

ACTS OF THE FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the thirteenth day of November, 1797, and ended on the sixteenth day of July, 1798.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; THEODORE SEDGWICK, President of the Senate pro tempore, from June 27th; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE II.

Dec. 15, 1797.

[Obsolete.]

July 6, 1797,

ch. 11.

Commence-
ment of the du-
ties postponed
until after 30th
June, 1798.

CHAPTER I.—*An Act to postpone, for a limited time, the commencement of the duties imposed by the act intituled "An act laying duties on stamped vellum, parchment and paper."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, intituled "An act laying duties on stamped vellum, parchment and paper," as directs that the duties imposed by that act shall be levied, collected and paid "from and after the thirty-first day of December next," shall be, and the same hereby is repealed; and that the duties aforesaid shall be levied, collected and paid, from and after the thirtieth day of June next, and not sooner; to which last mentioned day, all notices, certificates and other matters or things, directed by the said act and having respect to the commencement or collection of the said duties, or any of them, shall relate.

APPROVED, December 15, 1797.

STATUTE II.

Jan. 15, 1798.

[Obsolete.]

Appropriations
relative to the
War Depart-
ment.

CHAP. II.—*An Act making certain partial appropriations for the year one thousand seven hundred and ninety-eight.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of one hundred thousand dollars shall be, and the same hereby is appropriated towards defraying the expenses during the year one thousand seven hundred and ninety-eight, of the quartermaster's, and Indian departments, of the defensive protection of the frontiers, of bounties; and of the contingent charges of the war department; and a like sum towards defraying the expenses, during the said year, of the subsistence of the officers, non-commissioned officers, and privates of the army of the United States.

SEC. 2. *And be it further enacted,* That the sum of fifty-two thousand dollars be, and the same hereby is appropriated for paying and discharging such awards as have been, or may be made, pursuant to the seventh article of the Treaty of Amity, Commerce, and Navigation between the United States and Great Britain, in favour of British subjects, whose property has been captured within the jurisdiction of the United States, or by vessels armed or fitted out therein.

For awards in
favour of British
subjects under
seventh article
of the treaty of
amity, &c.

SEC. 3. *And be it further enacted*, That the aforesaid sums shall be paid and discharged out of any monies in the treasury of the United States, not otherwise appropriated. How to be paid.

APPROVED, January 15, 1798.

STATUTE II.

CHAP. VI.—*An Act for allowing a compensation to the Doorkeeper of the Senate, and his assistant, for their services during the late Session of Congress.*

Jan. 20, 1798.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to James Mathers, the doorkeeper of the Senate, two hundred dollars, and to Cornelius Maxwell, his assistant, one hundred and eighty dollars, as a compensation for their services during the late session of Congress.

APPROVED, January 20, 1798.

STATUTE II.

CHAP. VIII.—*An Act to prescribe the mode of taking Evidence in cases of contested Elections for Members of the House of Representatives of the United States, and to compel the attendance of Witnesses.*

Jan. 23, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That where any person, from and after the passing of this act, shall intend to contest an election for any member or members of the House of Representatives of the United States, or to support any such election so intended to be contested, and shall be desirous of obtaining testimony respecting such election, it shall be lawful for such person to make application to any judge of the courts of the United States, or to any chancellor, justice, or judge of a superior or county court, or court of common pleas of any state, or to any mayor, recorder or intendant of a town or city, who shall, thereupon, issue his warrant of summons, directed to all such witnesses as shall be named to him by such applicant, or his agent duly authorized for that purpose, and requiring the attendance of such witnesses, before him, at some convenient time and place, to be expressed in the warrant, in order to be then and there examined, in the manner herein after provided, touching the subject matter of the aforesaid application.

Chancellor, justice or judge of Superior or County Court, &c. to issue summons to witnesses.

Act of April 22, 1800, ch. 28.

SEC. 2. *And be it further enacted*, That every such witness, as is above-mentioned, shall be duly served with such warrant, by a copy thereof being delivered to him or her, or left at his or her usual place of abode; and that such service shall be made a convenient time before the day on which the attendance of such witness is required, which time the magistrate issuing the warrant is hereby authorized and required to fix, for each witness, at the time of issuing it, having respect to the circumstances of such witness, and the distance of his or her residence from the place of attendance.

Manner of serving summons on witnesses.

SEC. 3. *And be it further enacted*, That any person, being summoned in the manner above directed, and refusing or neglecting to attend, pursuant to such summons, unless in case of sickness, or other unavoidable accident, shall forfeit and pay the sum of twenty dollars, to be recovered with costs of suit, by the party at whose instance the warrant of summons was issued, and for his use, by action of debt in any court, or before any other tribunal of the United States, or any state, having jurisdiction to the amount of such penalty.

Penalty on not attending in pursuance of summons.

SEC. 4. *And be it further enacted*, That the magistrate issuing the aforesaid warrant of summons, shall, at the time of issuing it, cause to be made out, under his hand, and delivered to the said applicant, or his agent authorized as aforesaid, a notification directed to the opposite party, and stating the time and object of the aforesaid application, the name of the applicant, and the time and place fixed for the examination

Notification to the opposite party.

Manner of
serving notifica-
tion.

Proof of ser-
vice thereof.

Witnesses to
be examined on
oath or affirma-
tion.

Testimony to
be reduced to
writing,

and transmitted
to the clerk of
the House of
Representa-
tives, with a
copy of the sum-
mons, &c.

What proceed-
ings are to be
had in case of
inability of the
Chancellor, &c.
to attend the
examination.

Two justices
of the peace
empowered to
act in certain
cases.

Allowance to
witnesses.

of the witnesses; which notification the said applicant, or his agent as aforesaid, shall cause to be served on the said opposite party, by delivering to him or leaving at his usual place of abode, a copy thereof, a convenient time before the day fixed for the aforesaid examination; which time the magistrate granting the said notification shall fix, at the time of granting it, having respect to the distance of the said party's place of residence from that appointed for the examination; which examination shall not be proceeded in, unless proof be made by affidavit in writing, of the due service of such notification, or unless the party on whom such service is hereby directed to be made, shall attend at the time and place aforesaid, by himself or his agent duly authorized; and consent to the said examination; which consent shall be certified by the magistrate.

SEC. 5. *And be it further enacted*, That all witnesses who shall attend, pursuant to the said summons, and all other witnesses who shall be produced at the time and place aforesaid, by either of the parties, or their or either of their agents duly authorized, shall then and there be examined on oath or affirmation, by the magistrate, who issued the warrant of summons aforesaid, or, in case of his absence, by any other such magistrate as is authorized by this act to issue such warrant, touching all such matters and things respecting the election about to be contested, as shall be proposed by either of the parties aforesaid, or by their, or either of their agents duly authorized; the testimony given on which examination, together with the questions proposed by the parties aforesaid, or their agents, or either of them, to the witnesses, respectively, the said magistrate is hereby authorized and required to cause to be reduced to writing, in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses, respectively: after which he shall transmit the said testimony, duly certified under his hand, covered and sealed up, to the clerk of the House of Representatives of the United States, for the time being, together with a copy of the warrant of summons and notification issued in that behalf, and the original affidavit proving the service of such notification.

SEC. 6. *And be it further enacted*, That in case any judge, justice, chancellor, mayor, recorder or intendant as is aforesaid, to whom the application herein mentioned shall be made, shall, by reason of sickness, necessary absence, or unavoidable accident, be rendered unable to attend at the time and place fixed for the examination aforesaid, it shall be lawful for him to certify the matter, and the proceedings had by him in that behalf, to any other magistrate of any of the descriptions aforesaid, which said magistrate thereupon, shall be, and hereby is authorized to attend at such time and place, and to proceed touching the said examinations, in all respects, as the magistrate issuing the warrant of summons, might have done, by virtue of this act.

SEC. 7. *And be it further enacted*, That where no such magistrate as is herein authorized to receive applications as aforesaid, and proceed upon them, shall reside within any district for which an election about to be contested shall have been held, it shall be lawful to make such application to any two justices of the peace residing within the said district, who are hereby authorized in such case, to receive such application, and jointly to proceed upon it in the manner herein before directed.

SEC. 8. *And be it further enacted*, That every witness attending by virtue of such warrant of summons as is herein directed to be issued, shall be allowed the sum of seventy-five cents for each day's attendance, and the further sum of five cents, for every mile necessarily travelled in going and returning, which allowance shall be ascertained and certified by the magistrate taking the examination, and shall be paid by the party at whose instance such witness was summoned: And such witness shall have an action for the recovery of the said allowance, before any court or magistrate having competent jurisdiction, according to the laws of the

United States, or of any state, in which action the certificate of the magistrate taking the said examinations shall be evidence.

SEC. 9. *And be it further enacted*, That each judge, justice, chancellor, mayor, recorder, intendant and justice of the peace, who shall be necessarily employed, pursuant to the directions of this act, and all sheriffs, constables, or other officers who may be employed to serve any of the warrants of summons or notifications herein provided for, shall have and receive from the party at whose instance such service shall have been performed, such fee or fees, as are or may be allowed for similar services in the states wherein such service shall be rendered, respectively.

Fees to the officers employed.

SEC. 10. *And be it further enacted*, That this act shall continue and be in force until the end of the first session of the sixth Congress, and no longer.

Limitation.

APPROVED, January 23, 1798.

STATUTE II.

CHAP. X.—*An Act to amend the several acts for laying duties on Spirits distilled within the United States, and on Stills.*

Jan. 29, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, it shall be lawful for all owners of stills within the United States, which shall have been duly entered according to law, to make their election, at any time of the year, both as to the rate of duty which they may choose to pay for the employment of their said stills, whether for a year, or for such other shorter period, as may be allowed by law; and also, as to the time of commencing such employment.

[Obsolete.]

Owners of stills to elect as to the time they will pay duties.

Repealed April 6, 1802.

APPROVED, January 29, 1798.

STATUTE II.

CHAP. XI.—*An Act supplementary to the act intituled "An act regulating Foreign Coins, and for other purposes."*

Feb. 1, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of an act, intituled "An act regulating foreign coins, and for other purposes," be, and the same is hereby suspended, for and during the space of three years from and after the first day of January, one thousand seven hundred and ninety-eight, and until the end of the next session of Congress thereafter, during which time the said gold and silver coins shall be and continue a legal tender, as is provided in and by the first section of the act aforesaid; and that the same coins shall thereafter cease to be such tender.

[Obsolete.]

Act of Feb. 9, 1793, ch. 5.

Act of Feb. 9, 1793, suspended.

1802, ch. 33.

APPROVED, February 1, 1798.

STATUTE II.

CHAP. XIV.—*An Act appropriating a certain sum of Money to defray the expense of holding a Treaty or Treaties with the Indians.*

Feb. 27, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That a sum not exceeding twenty-five thousand eight hundred and eighty dollars, be appropriated to defray the expense of such treaty or treaties, as the President of the United States shall deem expedient to hold with the Indians: *Provided*, nothing in this act contained shall be construed to admit an obligation on the part of the United States to extinguish, for the benefit of any state or individual citizen, Indian claims to any lands lying within the limits of the United States, and that the compensations to be allowed to any of the commissioners appointed, or who may be

[Obsolete.]

\$25,880 appropriated.

Proviso.

appointed for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day, during the time of actual service of such commissioner.

SEC. 2. *And be it further enacted*, That the sum aforesaid shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, February 27, 1798.

STATUTE II.

March 14, 1798. CHAP. XV.—*An Act to provide for the Widows and Orphans of certain deceased Officers.*

[Obsolete.]

Ante, p. 390.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions for widows and orphans of commissioned officers of troops of the United States, contained in the first section of the law passed on the seventh day of June, one thousand seven hundred and ninety-four, intituled "An act in addition to the act making further and more effectual provision for the protection of the frontiers of the United States," be and the same are hereby extended to the widows and orphan children of commissioned officers of the troops of the United States, and of the militia, who have died by reason of wounds received since the fourth day of March, one thousand seven hundred and eighty-nine, in the actual service of the United States: *Provided*, application shall be made within two years after the end of the present session of Congress.

APPROVED, March 14, 1798.

STATUTE II.

March 14, 1798. CHAP. XVI.—*An Act for the erection of a Lighthouse, and placing Buoys at the several places therein mentioned.*

Lighthouse to be erected on Eaton's Neck.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That as soon as the jurisdiction of so much of the head land of Eaton's Neck on Nassau Island, in the state of New York, as the President of the United States shall deem sufficient and most convenient for the purpose of erecting a lighthouse, and its appurtenances, shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse thereon, and furnishing the same with all necessary supplies; and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of building the said lighthouse: and the President is hereby authorized to make the said appointments.

Buoys to be placed near Sandy Hook, Goat Island and Nantucket.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized and directed to cause to be placed, six buoys on the shoals called the east and west banks, and the middle ground, near Sandy Hook off the harbor of New York, and two buoys on the north and south points of Goat Island, near the entrance of the harbor of Newport, in the state of Rhode Island: and also, to cause to be placed such number of buoys as may be necessary for the security of the navigation in and near the harbor of Nantucket, in the state of Massachusetts.

Appropriation therefor.

SEC. 3. *And be it further enacted*, That there be appropriated and paid, out of the monies arising from the duties on imports and tonnage, a sum not exceeding thirteen thousand two hundred and fifty dollars, for the purposes aforesaid.

APPROVED, March 14, 1798.

CHAP. XVII.—*An Act providing the means of intercourse between the United States and foreign nations.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and he hereby is authorized to draw from the treasury of the United States, a sum not exceeding forty thousand dollars, annually, to be paid out of the monies arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed: *Provided*, that, exclusive of an outfit, which shall, in no case, exceed the amount of one year's full salary to the minister plenipotentiary, or chargé des affaires, to whom the same may be allowed, the President shall not allow to any minister plenipotentiary, a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and expenses; nor a greater sum for the same, than four thousand five hundred dollars per annum, to a chargé des affaires; nor a greater sum for the same, than one thousand three hundred and fifty dollars per annum, to the secretary of any minister plenipotentiary.

SEC. 2. *And be it further enacted,* That in all cases, where any sum or sums of money have issued, or shall hereafter issue from the treasury, for the purposes of intercourse or treaty, with foreign nations, in pursuance of any law, the President shall be, and he hereby is authorized to cause the same to be duly settled annually with the accounting officers of the treasury, in manner following, that is to say; by causing the same to be accounted for, specifically in all instances wherein the expenditure thereof may, in his judgment, be made public; and by making a certificate or certificates, or causing the Secretary of State to make a certificate or certificates of the amount of such expenditures as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

SEC. 3. *And be it further enacted,* That for defraying the expenses of intercourse between the United States and foreign nations, during the year one thousand seven hundred and ninety-eight, there be further appropriated, in addition to the aforesaid sum of forty thousand dollars, and out of any monies in the treasury of the United States not otherwise appropriated, the sum of twenty-eight thousand six hundred and fifty dollars.

SEC. 4. *And be it further enacted,* That the act passed on the first day of July, in the year one thousand seven hundred and ninety, intituled "An act providing the means of intercourse between the United States and foreign nations," and the act passed on the ninth day of February, in the year one thousand seven hundred and ninety-three, intituled "An act to continue in force for a limited time, and amend the act, intituled An act providing the means of intercourse between the United States and foreign nations," shall be, and they hereby are repealed.

SEC. 5. *And be it further enacted,* That this act shall be and remain in force until the end of the first session of the sixth Congress, and no longer.

APPROVED, March 19, 1798.

STATUTE II.

March 19, 1798.

[Expired.]

President authorized to draw from the Treasury, \$40,000, annually.

Outfit of agents to foreign countries, equal to one year's full salary.

Limits of their compensation.

\$9000 to a minister plenipotentiary, \$4,500 to a chargé des affaires.

Manner of accounting for monies issued under the act.

Further appropriation for the year 1798.

Act of July 1, 1790, ch. 22.

1793, ch. 4.

Limitation of the act.

(a) An act to ascertain the compensation of foreign ministers, May 10, 1800, chap. 56; an act fixing the compensation of public ministers, and of consuls residing on the coast of Barbary, and for other purposes, May 1, 1810, chap. 44.

STATUTE II.

March 19, 1798.

[Obsolete.]
Specific ap-
propriations.

CHAP. XVIII.—*An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-eight; and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the expenditure of the civil list; for the support of consuls to the coast of Barbary; for the support of the mint establishment, lighthouses, beacons, buoys and public piers, for the year one thousand seven hundred and ninety-eight; and to satisfy certain miscellaneous claims stated in the report of the secretary of the treasury, of the eighth day of December, one thousand seven hundred and ninety-seven, together with the incidental and contingent expenses of the several departments, and the offices thereof, the following sums be, respectively appropriated. That is to say:—For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and ninety thousand, one hundred and seventy-five dollars.

For the expense of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, thirteen thousand dollars.

For the compensations granted by law to the chief justice, associate judges, district judges, and attorney general, forty-four thousand nine hundred dollars.

For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, nine thousand one hundred and sixty-two dollars and thirty-four cents.

For incidental and contingent expenses in the said department, six thousand five hundred and eighty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eight thousand eight hundred and fifty dollars.

For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, eleven thousand eight hundred and fifty dollars.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer, clerks, and other persons employed in his office, four thousand six hundred and fifty dollars.

For expense of firewood, stationery, printing, rent, and all other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand nine hundred and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the Auditor's office, seven hundred and fifty dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, five thousand five hundred and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, fifteen thousand six hundred and twenty-five dollars. Specific appropriations.

For expense of stationery, printing and all other contingent expenses in the Register's office, (including books for the public stocks, and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the Purveyor of Public Supplies, two thousand dollars, and five hundred dollars for a clerk.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For the payment of rent for the several houses employed in the Treasury department, (except the Treasurer's office,) two thousand seven hundred and thirty dollars and sixty-six cents.

For expense of firewood and candles in the several offices of the Treasury department, (except the Treasurer's office,) three thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts for the year one thousand seven hundred and ninety-eight, one thousand dollars.

For defraying the expense incident to the removal of the books and records of the Treasury department, and for the rent of a house for several of the offices near Gray's Ferry, on the Schuylkill, during part of the summer of the year one thousand seven hundred and ninety-seven, four hundred and fifty-four dollars and forty-one cents.

For compensations to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eight thousand one hundred dollars.

For expense of firewood, stationery, printing, rent and other contingent expenses of the office of the Secretary of War, two thousand dollars.

For compensation to the Accountant of the War department, clerks and persons employed in his office, seven thousand seven hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the War department, six hundred dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the assistant surveyors, chain carriers, axe men and other persons employed in carrying into effect the surveys to be made by the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river," in addition to former appropriations, eight thousand dollars. 1796. ch. 29.

For compensation to the Governor, Secretary and Judges of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, printing patents for land, and other contingent expenses in the said territory, three hundred and fifty dollars.

For the payment of sundry pensions granted by the late government, one thousand one hundred and thirteen dollars and thirty-three cents.

For the annual allowance to the widow and orphan children of Colonel John Harding and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars. 1793, ch. 14.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury,

Specific ap-
propriations.

and which are of a nature, according to the usage thereof, to require payment in specie, one thousand dollars.

For the compensations to Consuls to Barbary powers, for six months, the former appropriation being for one year, five thousand dollars.

For compensations to the following officers of the mint: the Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred dollars; the Melter and Refiner, one thousand five hundred dollars; the engraver, one thousand two hundred dollars; three clerks at five hundred dollars each, one thousand five hundred dollars.

For the wages of persons employed at the different branches of melting, refining, coining, carpenters, millwrights and smiths' work, including the sum of eight hundred dollars per annum allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies of the establishment of the mint, five thousand seven hundred dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, and stakeage of channels, bars and shoals, and for occasional improvement in the construction of lanterns, and of the lamps and materials used in them, including an allowance for the increased number of lighthouses, and for the advanced price of spermaceti oil, thirty-six thousand dollars.

For the balance carried to the "surplus fund," of an appropriation for building a lighthouse near the entrance of Georgetown harbour, in the state of South Carolina, five thousand dollars.

For the additional expense estimated as necessary for erecting the said lighthouse, two thousand dollars.

For the payment of Nicholas Fish, supervisor of the revenue for the district of New York, so much short of an appropriation for the purchase of land at Montock-point, in the state of New York, for the purpose of erecting a lighthouse thereon, two hundred and fifty-five dollars and twelve cents.

Ante, p. 527.

For the purchase of presses, the engraving of dies, and other expenses incident to the preparations made and to be made, for executing the act intituled "An act laying duties on stamped vellum, parchment and paper," passed the sixth day of July, one thousand seven hundred and ninety-seven, nine thousand dollars.

For the expense incurred by the committee of the House of Representatives, on the impeachment of William Blount; for the compensation of the members, and for incidental charges as estimated by the chairman of the committee, two thousand six hundred and twenty-six dollars.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

Ante, p. 138.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," together with so much as may be necessary of the proceeds of the duties on imports, and the tonnage of ships and vessels, and the duties on domestic distilled spirits and stills, which shall accrue until the close of the present year.

SEC. 3. *And be it further enacted*, That there shall be, and hereby is further appropriated, to be paid out of any monies in the treasury of

the United States not otherwise appropriated, the following sums, to wit :

Specific appropriations.

For the payment of awards by the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce and navigation, between the United States and Great Britain, relative to the debts due by citizens of the United States, to British subjects, three hundred thousand dollars.

For defraying the extraordinary expenses of ascertaining the river St. Croix, under the fifth article of the said treaty, twelve thousand dollars.

For defraying the extraordinary expense of running and marking the boundary line between the territories of the United States and Spain, twelve thousand dollars.

APPROVED, March 19, 1798.

STATUTE II.

CHAP. XX.—*An Act to amend the act intituled "An act laying duties on stamped vellum, parchment and paper."*

March 19, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any person, other than officers employed in collecting the revenue of the United States, shall apply to any supervisor or inspector of the said revenue, at the office of such supervisor or inspector, for the purchase, at one time, of any quantity of vellum, parchment, or paper, stamped and marked in the manner directed by the act, intituled "An act laying duties on stamped vellum, parchment and paper," the whole amount of the duties on which quantity shall be ten dollars, or upwards, such supervisor or inspector shall be, and hereby is authorized and required to deliver to such person, such quantity of vellum, parchment or paper, stamped as aforesaid; the said person paying down the amount of the said duties, after deducting therefrom seven and one half per centum on such amount; which deduction the said supervisor or inspector is hereby authorized and required to allow.

[Repealed.]

Deduction on the purchase of stamped paper, &c. where the duties amount to more than \$10.

Ante, p. 527.

SEC. 2. *And be it further enacted,* That whenever any stamped vellum, or parchment, shall be applied for, and delivered, in the manner aforesaid, the said purchaser, in order to become entitled to the aforesaid deduction, shall pay to the said supervisor, or inspector, in addition to the amount of the said duties, a reasonable rate for and on account of the price of the said vellum, or parchment, which rate the Secretary of the Treasury is hereby authorized and required to fix, as nearly as may be, according to the actual cost of those articles.

In such case purchaser to pay the value of the vellum also, which shall be fixed by the Secretary of the Treasury.

SEC. 3. *And be it further enacted,* That whenever any person, other than officers employed in the collection of the revenue of the United States, shall bring any vellum, parchment, or paper, to be stamped, in the manner directed by the aforesaid act, in any quantity, at one time, the whole amount of the duties for stamping which shall be ten dollars, or upwards, the officer stamping such vellum, parchment or paper, pursuant to the directions of the said act, shall be, and hereby is authorized and required to make to such person the same allowance and deduction on the amount of the said duties, as is directed by the first section of this act, to be made in the cases therein mentioned.

The same deduction to be made where paper is brought to be stamped.

SEC. 4. *And be it further enacted,* That the stamped paper, required by the aforesaid act to be furnished to the citizens of the United States, by the treasury department, shall be furnished at the rate of duty provided by that act, without any additional charge on account of the price of paper, or any other expense, any thing in the said act to the contrary notwithstanding; and that all paper for the purposes aforesaid, shall be furnished at the expense of the United States, by the Secretary of the Treasury department, who is hereby authorized to employ annually a

No additional charge for the paper.

Secretary of the Treasury to

employ a sufficient sum for the purchase of paper, &c.

Provided that the price of vellum and parchment shall be paid by applicants, in addition to the duties.

Stamp duties on debentures, repealed; and in lieu thereof Collectors to retain one fourth per cent on drawbacks.

Ante, p. 145.

STATUTE II.

March 27, 1798.

Consent of Congress to an Act of the Commonwealth of Massachusetts.

sufficient sum for that purpose, and for the necessary purchase of vellum and parchment, out of any monies in the treasury of the United States, not otherwise appropriated: *Provided always*, that nothing herein contained, shall be so construed, as to require the treasury department to furnish any stamped vellum, or parchment, without an additional charge for the price of those materials, over and above the duty on the stamp; which price, in all cases where stamped vellum, or parchment, shall be furnished, the secretary of that department is hereby authorized and required to fix, as nearly as may be, according to the actual cost of those articles, respectively.

SEC. 5. *And be it further enacted*, That so much of the aforesaid act as relates to stamp duties on "any certificate or debenture for drawback of customs or duties," shall be, and the same is hereby repealed; and that in lieu of the said stamp duties, one fourth per centum on the amount of all drawbacks, allowed by law, on the exportation of goods, wares, and merchandise imported, shall be retained for the use of the United States, by the collectors paying such drawbacks; and in addition to the sum of one per centum directed to be so retained by the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandises imported into the United States, and on the tonnage of ships or vessels."

APPROVED, March 19, 1798.

CHAP. XXI.—*An Act declaring the consent of Congress to an Act of the Commonwealth of Massachusetts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be and hereby is granted and declared to the operation of an act of the legislature of the commonwealth of Massachusetts made and passed the second day of February, one thousand seven hundred and ninety-eight, intituled "An act to incorporate Tobias Lord, Oliver Keating, Thatcher Godard and others for the purpose of keeping in repair a pier, at the mouth of Kennebunk river, and to grant them a duty for reimbursing the expense of erecting the same."

APPROVED, March 27, 1798.

STATUTE II.

March 27, 1798.

[Expired.]
Consent of Congress to an Act of the Legislature of Maryland for the appointment of a health officer.

See act of Feb. 27, 1801.

CHAP. XXII.—*An Act declaring the consent of Congress to an Act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be, and is hereby granted and declared to the operation of an act of the general assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health-officer for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid, to collect a duty of one cent per ton, on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in the said act intended.

SEC. 2. *And be it further enacted*, That this act shall be in force for one year from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED March 27, 1798.

CHAP. XXIII.—*An Act for an additional appropriation to provide and support a Naval Armament.*

STATUTE II.

March 27, 1798.

[Obsolete.]

Additional appropriations for completing and equipping the frigates.

For pay and subsistence of the officers and crews thereof;

For contingencies of the naval armament;

For salaries of officers and rent of the navy yards.

Out of what fund the monies are to be paid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be and there hereby are appropriated a further sum, not exceeding one hundred and fifteen thousand eight hundred and thirty-three dollars, to complete and equip for sea, with all convenient speed, the frigates, the United States, the Constitution and the Constellation; and a further sum, not exceeding two hundred and sixteen thousand six hundred and seventy-nine dollars for the pay and subsistence, for the term of one year, of the officers and crews which are, or shall be engaged in the service of the United States on board the said frigates, in addition to the sums heretofore appropriated for those purposes, respectively, remaining unexpended; also, a sum, not exceeding sixty thousand dollars, to defray the wear, losses, expenditures of ammunition, and other current and contingent expenses of the naval armament; also a sum not exceeding two thousand two hundred dollars, to defray the salaries of persons having charge of the navy yards at Norfolk, New York, and Portsmouth; and for the rents of the same.

SEC. 2. *And be it further enacted,* That the sums hereby appropriated, shall be paid and discharged out of the surplus revenue and income of the current year, not before appropriated.

APPROVED, March 27, 1798.

STATUTE II.

March 28, 1798.

CHAP. XXIV.—*An Act to continue in force the fifth section of an act intituled "An act in addition to the act intituled, An act to establish the Post-Office and Post Roads within the United States."*

[Expired.]

Fifth section of the Act of March 3, 1797, continued to March 3, 1799.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth section of the act, intituled "An act in addition to the act, intituled An act to establish the post-office and post roads within the United States," which section will expire on the thirty-first day of March, one thousand seven hundred and ninety-eight, shall be, and the same is hereby continued in force to the third day of March next.

APPROVED, March 28, 1798.

STATUTE II.

April 7, 1798.

CHAP. XXV.—*An Act to continue in force for a limited time, a part of an act intituled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas."*

[Expired.]

Act of June 5, 1794, continued to the end of the sixth Congress.

1794, ch. 49.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the thirteenth section of the act passed on the fifth day of June, one thousand seven hundred and ninety-four, and intituled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines and teas," be, and the same hereby is continued in force, until the end of the first session of the sixth Congress.

APPROVED, April 7, 1798.

STATUTE II.

April 7, 1798.

CHAP. XXVI.—*An Act for the relief of the Refugees from the British provinces of Canada and Nova Scotia.(a)*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That

(a) The subsequent acts on this matter, are: Act of February 18, 1801; act of March 3, 1803; act of February 24, 1810; act of April 23, 1812.

Notice to be given by the Secretary of the Treasury to claimants.

to satisfy the claims of certain persons claiming lands under the resolutions of Congress, of the twenty-third of April, one thousand seven hundred and eighty-three, and the thirteenth of April, one thousand seven hundred and eighty-five, as refugees from the British provinces of Canada and Nova Scotia, the Secretary for the department of War be, and is hereby authorized and directed to give notice in one or more of the public papers, of each of the states of Vermont, Massachusetts, New York, New Hampshire, and Pennsylvania, to all persons having claims under the said resolutions, to transmit to the war office, within two years after the passing of this act, a just and true account of their claims to the bounty of Congress.

What description of persons shall be entitled to the benefit of this act.

SEC. 2. *And be it further enacted*, That no other persons shall be entitled to the benefit of the provisions of this act, than those of the following descriptions, or their widows and heirs, viz : First, those heads of families, and single persons, not members of any such families, who were residents in one of the provinces aforesaid, prior to the fourth day of July, one thousand seven hundred and seventy-six, and who abandoned their settlements, in consequence of having given aid to the United Colonies or States, in the revolutionary war against Great Britain, or with intention to give such aid, and continued in the United States, or in their service, during the said war, and did not return to reside in the dominions of the king of Great Britain, prior to the twenty-fifth of November, one thousand seven hundred and eighty-three. Secondly, the widows and heirs of all such persons as were actual residents, as aforesaid, who abandoned their settlements as aforesaid, and died within the United States, or in their service, during the said war : And thirdly, all persons who were members of families at the time of their coming into the United States, and who, during the war, entered into their service.

Before whom proof of facts may be taken.

SEC. 3. *And be it further enacted*, That the proof of the several circumstances necessary to entitle the applicants to the benefits of this act, may be taken before a judge of the supreme or district court of the United States, or a judge of the supreme or superior court, or the first justice or first judge of the court of common pleas or county court of any state.

Secretary of War and Secretary and Comptroller of the Treasury to examine and report upon the claims.

SEC. 4. *And be it further enacted*, That at the expiration of fifteen months from and after the passing of this act, and from time to time thereafter, it shall be the duty of the Secretary for the department of War, to lay such evidence of claims as he may have received, before the secretary and comptroller of the treasury, and with them, proceed to examine the testimony, and give their judgment what quantity of land ought to be allowed to the individual claimants, in proportion to the degree of their respective services, sacrifices and sufferings, in consequence of their attachment to the cause of the United States ; allowing to those of the first class, a quantity not exceeding one thousand acres ; and to the last class, a quantity not exceeding one hundred, making such intermediate classes as the resolutions aforesaid, and distributive justice, may, in their judgment, require ; and make report thereof to Congress. And in case any such claimant shall have sustained such losses and sufferings, or performed such services for the United States, that he cannot justly be classed in any one general class, a separate report shall be made of his circumstances, together with the quantity of land that ought to be allowed him, having reference to the foregoing ratio : *Provided*, that in considering what compensation ought to be made by virtue of this act, all grants, except military grants, which may have been made by the United States, or individual states, shall be considered at the just value thereof, at the time the same were made, respectively, either in whole or in part, as the case may be, a satisfaction to those who may have received the same : *Provided also*, that no claim under this law

In what manner their judgment thereon is to be regulated.

shall be assignable until after report made to Congress, as aforesaid, and until the said lands be granted to the persons intitled to the benefit of this act.

SEC. 5. *Be it further enacted*, That all claims, in virtue of said resolutions of Congress, which shall not be exhibited as aforesaid, within the time by this act limited, shall forever thereafter be barred.

APPROVED, April 7, 1798.

Claims not assignable until grants are made.

Limitation of claims.

STATUTE II.

April 7, 1798.

CHAP. XXVII.—*An Act to continue in force, the act, intituled "An act prohibiting, for a limited time, the exportation of arms and ammunition; and for encouraging the importation thereof."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first, second, third and fourth sections of the act, intituled "An act prohibiting, for a limited time, the exportation of arms and ammunition; and for encouraging the importation thereof," be, and are hereby continued in force for one year from and after the present session of Congress, and from thence to the end of the next session of Congress thereafter, and no longer.

SEC. 2. *And be it further enacted*, That the fifth section of the said act, except so much thereof as relates to the importation of sulphur and saltpetre, be, and is hereby continued in force for one year from and after the fourteenth day of June next, and from thence to the end of the next session of Congress thereafter, and no longer; and that so much of the said fifth section, as relates to the importation of sulphur and saltpetre, be, and is hereby continued in force for one year from and after the fourteenth day of June, in the year of our Lord one thousand eight hundred, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, April 7, 1798.

[Expired.]

Four first sections continued.

Ante, p. 520.

Part of the fifth section continued.

The remaining part of the fifth section continued.

STATUTE II.

April 7, 1798.

CHAP. XXVIII.—*An Act for an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is authorized to appoint three commissioners; any two of whom shall have power to adjust and determine with such commissioners as may be appointed under the legislative authority of the state of Georgia, all interfering claims of the United States and that state, to territory situate west of the river Chatahouchee, north of the thirty-first degree of north latitude, and south of the cession made to the United States by South Carolina: And also to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the state of Georgia, and out of the ordinary jurisdiction thereof.

SEC. 2. *Be it further enacted*, That all the lands thus ascertained as the property of the United States, shall be disposed of in such manner as shall be hereafter directed by law; and the nett proceeds thereof shall be applied to the sinking and discharging the public debt of the United States, in the same manner as the proceeds of the other public lands in the territory northwest of the river Ohio.

SEC. 3. *Be it further enacted*, That all that tract of country bounded on the west by the Mississippi; on the north by a line to be drawn due east from the mouth of the Yasous to the Chatahouchee river; on the east by the river Chatahouchee; and on the south by the

Act of May 10, 1800, ch. 50.

President authorized to appoint Commissioners to adjust the interfering claims to certain territory;

and to receive proposals for the cession of other territory claimed by Georgia.

Lands ascertained to be the property of the United States how to be disposed of.

Certain territory constituted a district, to be called the Mississippi territory.

President authorized to establish a government and appoint officers therein.

Congress may hereafter divide it into two districts.

Saving of the right of Georgia and of individuals to the jurisdiction of soil thereof.

The people of this territory to be entitled to certain rights, &c.

Penalty on the importation of slaves from foreign parts.

\$10,000 appropriated for carrying the act into effect.

thirty-first degree of north latitude, shall be, and hereby is constituted one district, to be called the Mississippi Territory: and the President of the United States is hereby authorized to establish therein a government in all respects similar to that now exercised in the territory northwest of the river Ohio, excepting and excluding the last article of the ordinance made for the government thereof by the late Congress on the thirteenth day of July one thousand seven hundred and eighty-seven, and by and with the advice and consent of the Senate to appoint all the necessary officers therein, who shall respectively receive the same compensations for their services; to be paid in the same manner as by law established for similar officers in the territory northwest of the river Ohio; and the powers, duties and emoluments of a superintendent of Indian affairs for the southern department, shall be united with those of governor: *Provided always*, that if the President of the United States should find it most expedient to establish this government in the recess of Congress, he shall nevertheless have full power to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the session of Congress next ensuing the establishment of the government.

SEC. 4. *Be it further enacted*, That the territory hereby constituted one district for the purposes of government, may at the discretion of Congress be hereafter divided into two districts, with separate territorial governments in each, similar to that established by this act.

SEC. 5. *Be it further enacted*, That the establishment of this government shall in no respect impair the right of the state of Georgia, or of any person or persons either to the jurisdiction or the soil of the said territory, but the rights and claims of the said state and of all persons interested, are hereby declared to be as firm and available, as if this act had never been made.

SEC. 6. *And be it further enacted*, That from and after the establishment of the said government, the people of the aforesaid territory, shall be entitled to and enjoy all and singular the rights, privileges and advantages granted to the people of the territory of the United States, northwest of the river Ohio, in and by the aforesaid ordinance of the thirteenth day of July, in the year one thousand seven hundred and eighty-seven, in as full and ample a manner as the same are possessed and enjoyed by the people of the said last mentioned territory.

SEC. 7. *And be it further enacted*, That from and after the establishment of the aforesaid government, it shall not be lawful for any person or persons to import or bring into the said Mississippi territory, from any port or place, without the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, and that every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of any person or persons who shall sue for the same; and that every slave, so imported or brought, shall thereupon become entitled to, and receive his or her freedom.

SEC. 8. *And be it further enacted*, That the sum of ten thousand dollars be, and hereby is appropriated, for the purpose of enabling the President of the United States to carry into effect the provisions of this act; and that the said sum be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, April 7, 1798.

STATUTE II.

April 18, 1798.

CHAP. XXIX.—*An Act authorizing an expenditure, and making an appropriation for the reimbursement of monies advanced by the Consuls of the United States, in certain cases.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State be, and hereby is authorized, under the direction of the President of the United States, to reimburse such reasonable advances of money as have been made, or, during the present year, shall be made by the consuls of the United States, in making and supporting the claims of American citizens to captured property, before the tribunals of foreign countries; or for the relief of sick and destitute seamen in foreign countries, beyond the sum already allowed by law for that purpose.

SEC. 2. *And be it further enacted,* That for the purposes aforesaid, there be, and hereby is appropriated, a sum not exceeding thirty thousand dollars, which shall be paid from any monies which may be in the treasury, not otherwise appropriated.

APPROVED, April 18, 1798.

[Obsolete.]

Secretary of State authorized to reimburse advances made by the consuls.

\$30,000 appropriated.

STATUTE II.

April 18, 1798.

CHAP. XXX.—*An Act supplementary to an act intituled "An act authorizing a loan for the use of the City of Washington, in the District of Columbia; and for other purposes therein mentioned."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is authorized, to cause to be loaned to the commissioners appointed under the act, intituled "An act for establishing the temporary and permanent seat of the government of the United States," the sum of one hundred thousand dollars, fifty thousand of which shall be advanced in the present year, and the remaining fifty thousand shall be advanced in the year one thousand seven hundred and ninety-nine, at an interest of six per cent. per annum, to be computed upon each instalment, from the time it shall be advanced; which sum of one hundred thousand dollars is declared to be in full of the monies which the said commissioners are now authorized to borrow, under the direction of the President of the United States, by virtue of the act, intituled "An act authorizing a loan for the use of the city of Washington, in the district of Columbia; and for other purposes therein mentioned."

SEC. 2. *Be it further enacted,* That the sum herein authorized to be borrowed shall be reimbursed by instalments of one fifth part of said loan, and the interest thereon, commencing in the year one thousand eight hundred and five, and continuing, annually thereafter, till the whole shall be repaid; and all the lots in the city of Washington, now vested in the said commissioners, or in trustees, in any manner, for the use of the United States, and now remaining unsold, excepting those set apart for public purposes, shall be, and are hereby declared and made chargeable with the repayment of the sums which shall be advanced, in pursuance of this act, and the interest accruing thereon, and shall be disposed of in the manner, and under the regulations prescribed by the act herein last mentioned.

SEC. 3. *And be it further enacted,* That the sum of fifty thousand dollars for the present year, and of fifty thousand dollars for the next succeeding year, be, and hereby are appropriated for the purposes aforesaid, out of any money in the treasury of the United States, not otherwise appropriated.

APPROVED, April 18, 1798.

Ante, p. 461.

[Obsolete.]

President may cause \$100,000 to be loaned to the commissioners of the city of Washington.

Ante, p. 130.

How the loan is to be reimbursed.

Appropriation.

STATUTE II.

April 27, 1798.

[Obsolete.]

President authorized to cause a number of armed vessels, not exceeding twelve, to be procured and fitted out.

Number and grade of officers, pay, subsistence, term of service, &c.

Ante, p. 523.

During the recess of the Senate the President may appoint officers.

Appropriation.

CHAP. XXXI.—*An Act to provide an additional Armament for the further protection of the trade of the United States ; and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and he is hereby authorized and empowered, to cause to be built, purchased or hired, a number of vessels, not exceeding twelve, nor carrying more than twenty-two guns each, to be armed, fitted out and manned under his direction.

SEC. 2. *And be it further enacted,* That the number and grade of the officers to be appointed for the service of the said vessels, shall be fixed by the President of the United States, as well as the number of men of which the respective crews shall be composed, who, as well officers as seamen and marines, shall receive the same pay and subsistence, be entitled to the same advantages and compensations, be governed by the same rules and regulations, and be engaged for the same time, and on the same conditions, as by an act of the United States, passed the first of July, one thousand seven hundred and ninety-seven, entitled "An act providing a naval armament," is ascertained and established, as fully, as if the particular provisions of that act, having reference thereto, were herein inserted at large. *Provided always, and be it further enacted,* That the President of the United States be, and he is hereby authorized to cause the term of enlistment of the seamen and marines, to be employed in any vessel of the United States, to be extended beyond one year, if the vessel should then be at sea, and until ten days after such vessel shall arrive in some convenient port of the United States, thereafter ; any thing contained in this act, or in the act entitled "An act providing a naval armament," to the contrary notwithstanding.

SEC. 3. *And be it further enacted,* That the officers of the aforesaid vessels may, during the recess of the Senate, be appointed and commissioned by the President alone.

SEC. 4. *And be it further enacted,* That the sum of nine hundred and fifty thousand dollars be and are hereby appropriated out of any monies in the treasury of the United States, beyond the appropriations that may heretofore have been charged thereon, for the purpose of carrying the objects of this act into effect.

APPROVED, April 27, 1798.

STATUTE II.

April 27, 1798.

[Obsolete.]

Additional regiment shall be engaged for five years.

Organization thereof.

To form a part of the military establishment.

CHAP. XXXIII.—*An Act to provide an additional regiment of Artillerists and Engineers.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an additional regiment of artillerists and engineers shall and may be engaged, by voluntary enlistments, to serve for the term of five years, unless sooner discharged, and to be organized as follows ; that is to say : There shall be one lieutenant-colonel commandant, one adjutant, one surgeon and three battalions, each to consist of one major, one adjutant and paymaster, one surgeon's mate, and four companies, of one captain, two lieutenants, two cadets with the pay, clothing and rations of a sergeant, four sergeants, four corporals, forty-two privates, sappers and miners, ten artificers to serve as privates, and two musicians in each company.

SEC. 2. *And be it further enacted,* That the additional regiment which shall be raised pursuant to this act, shall be considered as a part of the military establishment of the United States, for the time being ; and the commissioned officers, non-commissioned officers, privates, artificers and musicians, who shall engage in the said regiment, shall be entitled to the

same bounty, pay and allowances, respectively, according to their correspondent ranks, as are, or shall be by law, authorized and provided for the other parts of the same establishment, and shall be governed by the same rules and articles of war, and shall be armed and accoutred, in such manner as the President of the United States shall direct, and shall and may be employed by him, in detachments, or otherwise, in the field, or the fortifications upon the sea coast, as, in his opinion, the public service shall require.

Bounty, pay,
&c.

SEC. 3. *And be it further enacted*, That the Secretary of War shall provide, at the public expense, under the direction of the President of the United States, all necessary books, instruments and apparatus, for the use and benefit of the said regiment.

Necessary
books, &c. to
be provided.
Repealed
March 16, 1802.

APPROVED, April 27, 1798.

STATUTE II.

CHAP. XXXIV.—*An Act for erecting Lighthouses, and placing buoys and stakes at the places therein mentioned.*

April 27, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That as soon as a cession shall be made by the state of Virginia to the United States, of the jurisdiction over a tract of land proper for the purpose, the Secretary of the Treasury be, and he is hereby authorized to provide, by contract, to be approved by the President of the United States, for building a lighthouse on Old Point Comfort, in the said state, and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same, and that the President be authorized to make the said appointments; and also, that the Secretary of the Treasury be authorized to cause six buoys to be placed near the entrance of Portland harbor, in the state of Massachusetts, at such places as, in his opinion, will best secure the navigation of the said port; and to cause the channel of Warren river, from Narraganset Bay, to the port of Warren, in the state of Rhode Island, to be staked out and distinctly marked.

Lighthouse to
be built on Old
Point Comfort.

Buoys to be
placed near the
entrance of
Portland Har-
bor.

Warren river
to be staked.

SEC. 2. *And be it further enacted*, That there be appropriated and paid, out of the monies arising from imports and tonnage, the sum of three thousand and fifty dollars, for the purposes aforesaid.

Appropriation.

APPROVED, April 27, 1798.

STATUTE II.

CHAP. XXXV.—*An Act to establish an Executive department, to be denominated the Department of the Navy.*

April 30, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be an executive department under the denomination of the Department of the Navy, the chief officer of which shall be called the Secretary of the Navy, whose duty it shall be to execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials and the construction, armament, equipment and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States. (a)

Department
of the Navy.
Secretary of
the Navy—his
duty.

(a) The acts relating to the establishment of the department of the Navy, are: An act to establish an executive department to be denominated the Department of the Navy, April 30, 1798, chap. 35; an act concerning the naval establishment, March 3, 1815; an act for the gradual increase of the navy of the United States, April 29, 1816; an act supplementary to an act entitled, "An act concerning the naval establishment," March 1, 1817; an act to amend the act entitled, "An act for the gradual increase of the navy of the United States," March 3, 1821; an act supplementary to "an act for the gradual increase of the navy of the United States," May 17, 1826; an act for the gradual improvement of the navy of the United States, March 3, 1837.

He may appoint clerks.

SEC. 2. *And be it further enacted*, That a principal clerk and such other clerks as he shall think necessary, shall be appointed by the Secretary of the Navy, who shall be employed in such manner as he shall deem most expedient. In case of vacancy in the office of the secretary, by removal or otherwise, it shall be the duty of the principal clerk to take the charge and custody of all the books, records and documents of the said office.

He may take possession of the books, &c. in War Office, which relate to his department.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy be and he is hereby authorized and empowered, immediately after he shall be appointed and shall enter upon the duties of his office, to take possession of all the records, books and documents and all other matters and things appertaining to this department, which are now deposited in the office of the Secretary at War.

Salary of the Secretary and of his clerks.

SEC. 4. *And be it further enacted*, That there shall be allowed to the Secretary of the Navy an annual salary of three thousand dollars, payable quarter yearly at the treasury of the United States, and the respective clerks in the office of the said department shall receive the same compensations and be subject to the same regulations, as are provided by an act, supplemental to the act, establishing the treasury department, and for a further compensation to certain officers, in the offices of the other executive departments.

Part of the act establishing the War Department repealed.

1789, ch. 7.

SEC. 5. *And be it further enacted*, That so much of an act, entitled "An act to establish an executive department, to be denominated the department of war," as vests any of the powers contemplated by the provisions of this act, in the Secretary for the department of War, shall be repealed, from and after the period when the Secretary of the Navy shall enter on the duties of his office.

APPROVED, April 30, 1798.

STATUTE II.

May 3, 1798.

CHAP. XXXVI.—*An Act to authorize certain Officers and other persons to administer oaths.*(a)

President of the Senate, Speaker, &c. authorized to administer oaths, &c. to witnesses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the Senate, the Speaker of the House of Representatives, a chairman of a committee of the whole, or a chairman of a select committee of either house, shall be empowered to administer oaths or affirmations to witnesses, in any case under their examination.

Penalty on swearing falsely.

SEC. 2. *And be it further enacted*, That if any person shall wilfully, absolutely and falsely swear or affirm, touching any matter or thing material to the point in question, whereto he or she shall be thus examined, every person so offending, and being thereof duly convicted, shall be subjected, to the pains, penalties and disabilities, which by law are prescribed for the punishment of the crime of wilful and corrupt perjury.

APPROVED, May 3, 1798.

STATUTE II.

May 3, 1798.

CHAP. XXXVII.—*An Act supplementary to the act providing for the further defence of the ports and harbors of the United States.*(b)

Additional sum appropriated for fortifications.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, remaining unexpended, shall be, and is hereby appropriated, and shall and may be paid out of any monies not

(a) An act to extend the provision of the act to authorize certain officers and other persons, to administer oaths, May 3, 1798; also act of February 8, 1817, chap. 10.

(b) An act to provide for the further defence of the ports and harbors of the United States, June 23, 1797, chap. 3.

before appropriated, to make and complete, at the discretion of the President of the United States, the fortifications heretofore directed for certain ports and harbors, and to erect fortifications in any other place or places as the public safety shall require, in the opinion of the President of the United States; and which other fortifications he is hereby authorized to cause to be erected, under his direction from time to time as he shall judge necessary.

SEC. 2. *And be it further enacted*, That where any state, which was found indebted to the United States, by the report of the commissioners for settling the accounts between the United States, and the individual states, shall, with the approbation of the President of the United States, proceed to finish or complete any fortification heretofore commenced by such state, for the defence of any port or harbor within the same, or shall, under the direction of the President of the United States, make and erect any additional fortifications, pursuant to the act, intituled "An act to provide for the further defence of the ports and harbors within the United States," as well the previous expenditures made since the twentieth day of March, one thousand seven hundred and ninety-four, which shall be approved by the President of the United States, as the expenditures which have been, or which shall be directed by him, shall be allowed and credited to such state, on account of the balance found and reported, as aforesaid: *Provided*, that no expenditure exceeding the balance found and reported against the respective state, shall be allowed as aforesaid; and provided, that the fortifications for which the whole, or any part of the expenditure, shall be so allowed and credited as aforesaid, with their privileges and appurtenances, shall be, and shall be declared and established as the property of the United States, while maintained by them.

States erecting or completing fortifications to be credited on account of balances reported against them.

1797, ch. 3.

Proviso.

SEC. 3. *And be it further enacted*, That these words of the said act, intituled "An act for the further defence of the ports and harbors of the United States," that is to say, "Provided, the said states shall, and do cede to the United States, the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such states," shall be, and the same are hereby repealed.

Part of former act repealed.
1797, ch. 3.

APPROVED, May 3, 1798.

STATUTE II.

CHAP. XXXVIII.—*An Act to enable the President of the United States to procure Cannon, Arms and Ammunition, and for other purposes.*

May 4, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*. That a sum not exceeding eight hundred thousand dollars, shall be, and hereby is appropriated, and shall and may be paid out of any monies not before appropriated, under the direction of the President of the United States, to purchase, as soon as may be, a sufficient number of cannon, also a supply of small arms, and of ammunition and military stores, to be deposited, and used, as will be most conducive to the public safety and defence, at the discretion of the President of the United States.

[Obsolete.]

Appropriation to purchase cannon, small arms, &c.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, in case he shall find it impracticable, to procure by purchase, with certainty and dispatch proportionate to the necessities of the public service, the cannon and arms hereby required, and any considerable part thereof shall be likely to be deficient, to take, by lease, for a term of years, or by sale in fee, to the United States, one or more suitable place or places where cannon or small arms may be advantageously cast and manufactured, and shall and may there establish founderies and armouries for the manufacture of the same, respectively, and shall cause suitable artisans and laborers to be there

President may establish foundries and armouries.

Accounts to be laid before Congress respecting the same.

Appropriation for the foundries and armouries.

employed for account of the United States; and shall and may appoint one or more persons to superintend the said works, under the direction of the department of war. And an account of the expenditures which shall be incurred in forming and employing these establishments; and of the cannon and arms which shall be cast and manufactured therein respectively, shall be laid before the Congress of the United States at their next session, and annually thereafter, so long as the same shall be continued.

SEC. 3. *And be it further enacted*, That the sum of one hundred thousand dollars shall be and hereby is appropriated, and shall be paid out of any monies not before appropriated, for the hire, purchase and employ of the said founderies and armouries, respectively, in case such establishments shall be found necessary, as hereinbefore provided.

APPROVED, May 4, 1798.

STATUTE II.

May 4, 1798.

[Obsolete.]

President may provide ten gallees.

Post, p. 561.

Officers may be appointed by the President in the recess—employment of the gallees.

Appropriation.

CHAP. XXXIX.—*An Act to authorize the President of the United States to cause to be purchased, or built, a number of small vessels to be equipped as gallies, or otherwise.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized, if the same shall appear to him necessary for the protection of the United States, to cause a number of small vessels, not exceeding ten to be built, or purchased, and to be fitted out, manned, armed and equipped as gallies, or otherwise, in the service of the United States, the officers and men to be on the same pay, and to receive the same subsistence, as officers of the same rank and men are entitled to, in the navy of the United States.

SEC. 2. *And be it further enacted*, That the said officers shall be appointed and commissioned by the President of the United States alone during the recess of the Senate; and the said gallies or vessels shall be stationed in such parts of the United States, as he may direct.

SEC. 3. *And be it further enacted*, That there be appropriated for the purpose aforesaid, the sum of eighty thousand dollars, out of any monies in the treasury not otherwise appropriated.

APPROVED, May 4, 1798.

STATUTE II.

May 8, 1798.

[Obsolete.]

CHAP. XLI.—*An Act directing the payment of a detachment of Militia, for services performed in the year one thousand seven hundred and ninety-four, under Major James Ore.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers be, and they are hereby authorized to settle the accounts of the militia who served on an expedition commanded by Major James Ore, against the lower Cherokee Indians, in the year one thousand seven hundred and ninety-four; and that the same be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, May 8, 1798.

STATUTE II.

May 8, 1798.

[Obsolete.]

Ante, p. 461.

CHAP. XLII.—*An Act, to continue in force, a part of an act respecting the compensation to the Officers and Mariners of the Revenue Cutters.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of an act passed the sixth day of May, one thousand seven hundred and ninety-six, intituled "An act making further provision relative to the revenue

cutters," be, and the same is hereby continued in force to the end of the next session of Congress.

APPROVED, May 8, 1798.

STATUTE II.

CHAP. XLIII.—*An Act to revive and continue in force, the act respecting the compensation of clerks, and for other purposes.*

May 14, 1798.

[Obsolete.]

Act respecting compensation of clerks continued.

1796, ch. 40.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act passed on the thirtieth day of May, one thousand seven hundred and ninety-six, intituled "An act to regulate the compensation of clerks," be and the same hereby is revived and continued in force, until the first day of January next.

SEC. 2. *And be it further enacted,* That to the aggregate of compensations for clerks in the present year, as fixed, pursuant to the aforesaid act, there shall be added, during the present year, the following sums, to wit: In the War department, one thousand six hundred dollars, for such additional clerks, and in such proportions, as the secretary of that department shall think fit: In the Treasury department, three thousand dollars for enabling the Comptroller and Auditor to employ such clerks as may be necessary in adjusting and settling the accounts which originated under the government of the United States, prior to the fourth day of March, one thousand seven hundred and eighty-nine.

Additional compensation to clerks in the treasury and war departments for the present year.

SEC. 3. *And be it further enacted,* That the sum of one hundred dollars be allowed and paid, for the year one thousand seven hundred and ninety-eight, to each of the principal and engrossing clerks in the office of the secretary of the Senate, and of the clerk of the House of Representatives; also, the like sum to the sergeant-at-arms of the House of Representatives, and to each of the doorkeepers and assistant doorkeepers of the two Houses of Congress, in addition to the compensations heretofore allowed them by law.

Additional compensation to officers of the Senate and House of Representatives.

SEC. 4. *And be it further enacted,* That the aforesaid sums, together with the sum of two hundred dollars additional allowance for a clerk in the Mint, granted by the aforesaid act, shall be paid out of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States."

Additional allowance to a clerk in the mint.

How these sums are to be paid.

APPROVED, May 14, 1798.

Ante, p. 133.

STATUTE II.

CHAP. XLVI.—*An Act to amend the act intituled "An act to amend and repeal, in part, the act intituled An act to ascertain and fix the Military establishment of the United States."*

May 22, 1798.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Brigadier General who is now, or may hereafter be in the service of the United States be, and he hereby is authorized to choose his brigade-major and inspector, or either of them, from the commissioned officers in the line of the army; and that so much of the second section of the act, intituled "An act to amend and repeal, in part, the act, intituled An act to ascertain and fix the military establishment of the United States," as confines the choice of brigade-major and inspector to the captains and subalterns of the line, be, and the same is hereby repealed.

The brigadier general may choose his brigade-major and inspector from the commissioned officers.

Ante, p. 507.

SEC. 2. *And be it further enacted,* That the accounting officers of the treasury shall allow to Major Cushing the monthly pay, rations, forage and allowances for the same, as established by law for an inspector, during the time he has acted in said capacity by appointment of General Wilkinson.

Allowance to Major Cushing as inspector.

APPROVED, May 22, 1798.

STATUTE II.

May 28, 1798.

[Repealed.]

Act of March 16, 1802, ch. 9, sec. 29.

The President may, on certain events taking place, raise an army of 10,000 men for three years.

1799, ch. 48.

Bounty.

The President may organize those troops, and appoint their officers in the recess.

Those troops to be on the footing of the other troops of the U. States.

1798, ch. 57.

The President may accept of volunteers, in addition to those troops.

1799, ch. 48.

Allowance for injuries or loss of horses, arms or equipage to be made to volunteers.

President may appoint a lieutenant general.

His pay and emoluments.

CHAP. XLVII.—*An Act authorizing the President of the United States to raise a Provisional Army.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized, in the event of a declaration of war against the United States, or of actual invasion of their territory, by a foreign power, or of imminent danger of such invasion discovered in his opinion to exist, before the next session of Congress, to cause to be enlisted, and to call into actual service, a number of troops, not exceeding ten thousand non-commissioned officers, musicians and privates, to be enlisted for a term not exceeding three years: each of whom shall be entitled to receive a bounty of ten dollars, one half on enlisting, and the other half on joining the corps to which he may belong.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby authorized to organize, with a suitable number of major-generals, and conformably to the military establishment of the United States, the said troops into corps of artillery, cavalry and infantry, as the exigencies of the service may require; and in the recess of the Senate, alone to appoint the commissioned officers. The appointment of the field officers to be submitted to the advice and consent of the Senate, at their next subsequent meeting. The commissioned and non-commissioned officers, musicians and privates, raised in pursuance of this act, shall be subject to the rules and articles of war, and regulations for the government of the army, and be entitled to the same pay, clothing, rations, forage and all other emoluments, bounty excepted, and in case of wounds or disability received in service, to the same compensation as the troops of the United States are by law entitled.

SEC. 3. *And be it further enacted,* That in addition to the aforesaid number of troops, the President is hereby empowered, at any time within three years after the passing of this act, if in his opinion the public interest shall require, to accept of any company or companies of volunteers, either of artillery, cavalry or infantry, who may associate and offer themselves for the service, who shall be armed, clothed and equipped at their own expense, and whose commissioned officers the President is hereby authorized to appoint; who shall be liable to be called upon to do military duty at any time the President shall judge proper, within two years after he shall accept the same; and when called into actual service, and while remaining in the same, shall be under the same rules and regulations, and shall be entitled to the same pay, rations, forage and emoluments of every kind, excepting bounty and clothing, as the other troops to be raised by this act.

SEC. 4. *And be it further enacted,* That in case any such volunteer, while in actual service, and in the line of his duty, sustains any damage, by injury done to his horse, arms or equipage, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President shall direct, shall be allowed for each and every such damage or loss.

SEC. 5. *And be it further enacted,* That whenever the President shall deem it expedient, he is hereby empowered to appoint, by and with the advice and consent of the Senate, a commander of the army which may be raised by virtue of this act, and who being commissioned as lieutenant-general may be authorized to command the armies of the United States, and shall be entitled to the following pay and emoluments, viz.: two hundred and fifty dollars monthly pay, fifty dollars monthly allowance for forage, when the same shall not be provided by the United States, and forty rations per day, or money in lieu thereof at the current price, who shall have authority to appoint, from time to time, such num-

ber of aids not exceeding four, and secretaries not exceeding two, as he may judge proper, each to have the rank, pay and emoluments of a lieutenant-colonel.

SEC. 6. *And be it further enacted*, That whenever the President shall deem it expedient, he is hereby empowered, by and with the advice and consent of the Senate, to appoint an inspector-general, with the rank of major-general, and the major-generals and inspector-general shall each be entitled to the following pay and emoluments, viz.: one hundred and sixty-six dollars monthly pay, twenty dollars monthly allowance for forage, when the same is not provided by the United States, and fifteen rations per day, or money in lieu thereof, at the current price; and shall be and they are hereby authorized to appoint two aids, each of whom shall have the rank, pay and emoluments of a major. And at the time aforesaid, the President is further empowered, by and with the advice and consent of the Senate, to appoint an adjutant-general, who shall have the rank pay and emoluments of a brigadier-general. And the President is hereby authorized alone to appoint, from time to time, when he shall judge proper, assistant inspectors to every separate portion of the army, consisting of one or more divisions, who shall be deputy adjutant-generals thereof respectively, and who shall be taken from the line of the army, and allowed, in addition to their pay, eight dollars per month; and likewise to appoint inspectors and sub-inspectors to each brigade and corps of every description, at his discretion, taking them from the line of the army, and they shall each receive, while acting in said capacity, an additional pay of six dollars per month.

SEC. 7. *And be it further enacted*, That in case the President shall judge the employment of a quartermaster-general, physician-general and paymaster-general or either of them essential to the public interest, he is hereby authorized, by and with the advice and consent of the Senate, to appoint the same accordingly, who shall be entitled to the rank, pay and emoluments which follow, viz.: quartermaster-general, the rank, pay and emoluments of a lieutenant-colonel; physician-general and paymaster-general each the pay and emoluments of a lieutenant-colonel. *Provided*, that in case the President shall judge it expedient to appoint a commander of the army, an inspector-general, adjutant-general, quartermaster-general, physician-general and paymaster-general, or either of them, in the recess of the Senate, he is hereby authorized to make any or all of said appointments and grant commissions thereon, which shall expire at the end of the next session of the Senate thereafter.

SEC. 8. *And be it further enacted*, That the laws of the United States, respecting the regulations and emoluments of recruiting officers; punishment of persons who shall procure or entice a soldier to desert or shall purchase his arms, uniform clothing, or any part thereof; and the punishment of every commanding officer of any ship or vessel who shall receive on board his ship or vessel as one of his crew, knowing him to have deserted, or otherwise carry away any soldier or refuse to deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken by officers, non-commissioned officers, musicians and privates; and respecting the inserting of conditions in the enlistments; and all other laws respecting the military establishment of the United States, excepting in such cases where different and specific regulations are made by this act—shall be in force and apply to all persons, matters and things within the intent and meaning of this act, in the same manner, as they would, were they inserted at large in the same.

SEC. 9. *And be it further enacted*, That the commander of the army, inspector-general, adjutant-general, quartermaster-general, physician-general, and paymaster-general, and the general, field and commissioned officers who may be appointed by virtue of this act, shall respectively continue in

Aids and secretaries.

President may appoint an inspector general.

Pay and emoluments of major generals and inspector general.

They may appoint aids.

President may appoint an adjutant general;

Assistant inspectors to every separate portion of the army;

and inspectors and sub-inspectors to each brigade and corps.

Also a quartermaster general, physician general and paymaster general.

Proviso, enabling the President to make appointments of certain officers in the recess, whose commissions shall expire at the end of the session of the Senate thereafter.

Former laws respecting the military establishment of the U. States extended to the persons matters and things within the meaning of this act.

The President may at his discretion discharge the whole or any

part of the officers and soldiers raised or accepted under this act.

No commissioned or staff officer to be entitled to pay or emolument but for actual service.

The President may loan field artillery to militia corps, disposed to inform themselves in its use.

And also to loan field artillery, arms, and accoutrements to militia or volunteer corps called forth and engaged in actual service.

President may procure certain equipage for cavalry, which may be loaned as aforesaid.

Appropriation of \$200,000.

Privates exempt from arrests for debt or contract.

commission during such term only as the President shall judge requisite for the public service, and that it shall be lawful for the President to discharge the whole or any part of the troops, which may be raised or accepted under authority of this act, whenever he shall judge the measure consistent with the public safety.

SEC. 10. *And be it further enacted*, That no commissioned or staff officer, who shall be appointed by virtue of this act, shall be entitled to receive pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein. *Provided*, nothing in this section shall be construed to prevent captains and subalterns from receiving pay and emoluments while employed in the recruiting service. *And provided also*, that no enlistment shall take place by virtue of this act after three years from the passing thereof.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, upon the request of any militia corps established by law, in any state, disposed to inform themselves in the use of artillery, or of the executive of any state, in behalf of such corps, to suffer to be loaned to them, such pieces, not exceeding two to any one corps, of the field artillery of the United States, as may be most conveniently spared, to be taken, removed and returned, at the expense of the party requesting: who are to be accountable for the same, and to give receipts accordingly.

SEC. 12. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized, when, under his orders, any portion of the militia, or any volunteer corps, shall be called forth and engaged in the actual service of the United States, to suffer to be loaned, at the request of the executive of the state from which such militia shall be called forth, or of such volunteer corps, appearing to be unavoidably deficient, a supply of field artillery, arms and accoutrements from the arsenals of the United States, as the case may require; proper receipts and security being given to be accountable to return the same, the accidents of the service excepted.

SEC. 13. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to cause to be purchased and procured a quantity of caps, swords or sabres, and pistols with holsters, not exceeding what may be sufficient for four thousand cavalry, and to be deposited in the parts of the United States, where he shall deem it most convenient for the supply of any corps of cavalry which shall be called into the actual service of the United States, and which the President of the United States may loan upon the terms and the like receipts, to be accountable as herein before provided. And for this purpose, and towards defraying the expenses which may be necessarily incurred before the next session of Congress, in executing the other purposes of this act, a sum not exceeding two hundred thousand dollars, shall be, and is hereby appropriated, and shall and may be paid at the treasury, under the orders of the President of the United States, out of any money not already appropriated.

SEC. 14. *And be it further enacted*, That the private soldiers who are and who shall be enlisted and employed in the service of the United States, shall be, and they are hereby exempted, during their term of service, from all personal arrests, for any debt or contract. And whenever any soldier shall be arrested, whether by mesne process, or in execution, contrary to the intent hereof, it shall be the duty of the judge of the district court of the district in which the arrest shall happen, and of any justice of the supreme court of the United States, and of any court or judge of a state, who, by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application by any officer of the corps in which such soldier shall be engaged, to grant a writ of habeas corpus returnable before himself; and upon due hearing and

examination, in a summary manner, to discharge the soldier from such arrest, taking common bail, if required, in any case upon mesne process, and commit him to the applicant, or some other officer of the same corps.

APPROVED, May 28, 1798.

CHAP. XLVIII.—*An Act more effectually to protect the Commerce and Coasts of the United States.*

WHEREAS armed vessels sailing under authority or pretence of authority from the Republic of France, have committed depredations on the commerce of the United States, and have recently captured the vessels and property of citizens thereof, on and near the coasts, in violation of the law of nations, and treaties between the United States and the French nation. Therefore:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, and he is hereby authorized to instruct and direct the commanders of the armed vessels belonging to the United States to seize, take and bring into any port of the United States, to be proceeded against according to the laws of nations, any such armed vessel which shall have committed or which shall be found hovering on the coasts of the United States, for the purpose of committing depredations on the vessels belonging to citizens thereof;—and also to retake any ship or vessel, of any citizen or citizens of the United States which may have been captured by any such armed vessel.

APPROVED, May 28, 1798.

CHAP. XLIX.—*An Act providing for the relief of persons imprisoned for Debts due to the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person imprisoned upon execution issuing from any court of the United States, for a debt due to the United States, which he shall be unable to pay, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and it shall thereupon be lawful for the said Secretary to make, or require to be made, an examination and inquiry into the circumstances of the debtor, either by the oath or affirmation of the debtor, (which the said secretary, or any other person by him specially appointed, are hereby authorized to administer) or otherwise, as the said secretary shall deem necessary and expedient, to ascertain the truth; and upon proof being made to his satisfaction, that such debtor is unable to pay the debt for which he is imprisoned, and that he hath not concealed, or made any conveyance of his estate, in trust, for himself, or with an intent to defraud the United States, or deprive them of their legal priority, the said secretary is hereby authorized to receive from such debtor, any deed, assignment, or conveyance of the real or personal estate of such debtor, if any he hath, or any collateral security to the use of the United States; and upon a compliance by the debtor, with such terms and conditions as the said secretary may judge reasonable and proper, under all the circumstances of the case, it shall be lawful for the said secretary to issue his order, under his hand, to the keeper of the prison, directing him to discharge such debtor from his imprisonment under such execution, and he shall be accordingly discharged, and shall not be liable to be imprisoned again for the said debt; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor.

VOL. I.—71

STATUTE II.

May 28, 1798.

[Obsolete.]
Preamble.
1798, ch. 53.
1798, ch. 67.
1798, ch. 68.

President may issue instructions to the commanders of public armed ships to bring into port certain French armed vessels, and to make recaptures from them.

STATUTE II.

June 6, 1798.

March 3, 1817.
ch. 114.

Insolvent to make application to the Secretary of the Treasury,

Ante, p. 48.

who may cause an examination to be made of the facts of the case;

and upon proof of certain facts, he may receive an assignment of the debtor's property;

and on the debtor's complying with the terms prescribed by the Secretary; he may order him to be discharged.

Penalty on swearing falsely under this act.

1796, ch. 38.

This act not to extend to the case of a penalty or of monies had and received.

SEC. 2. *And be it further enacted*, That if any person shall falsely take an oath or affirmation under this act, he shall be deemed guilty of perjury, and be subject to the pains and penalties provided in the third section of an act, intituled "An act for the relief of persons imprisoned for debt."

SEC. 3. *And be it further enacted*, That the benefit of this act shall not be extended to any person imprisoned for any fine, forfeiture or penalty, incurred by a breach of any law of the United States, or for monies had and received by any officer, agent, or other person, for their use.

APPROVED, June 6, 1798.

STATUTE II.

June 6, 1798.

CHAP. L.—*An Act supplementary to an act intituled "An act for the relief of persons imprisoned for Debt."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person imprisoned upon process issuing from any court of the United States in any civil action, against whom judgment has been, or shall be recovered, shall be entitled to the privileges and relief provided by an act, intituled "An act for the relief of persons imprisoned for debt," under the regulations and restrictions of the same act; after the expiration of thirty days from the time such judgment has been, or shall be recovered, though the creditor should not, within that time, sue out his execution, and charge the debtor therewith.

APPROVED, June 6, 1798.

STATUTE II.

June 12, 1798.

[Obsolete.]

Law barring loan office and final settlement certificates and indents of interest suspended for a year.

Ante, p. 433.

Notification thereof to be published by the Secretary of the Treasury.

On settlement thereof the creditors may receive certain stock.

How the principal of the loan office and final settlement certificates and certain interest thereon shall be discharged.

CHAP. LI.—*An Act respecting loan office and final settlement certificates, indents of interest, and the unfunded or registered debt credited in the books of the Treasury.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act making further provision for the support of public credit, and for the redemption of the public debt," passed the third day of March, one thousand seven hundred and ninety-five, as bars from settlement or allowance, certificates, commonly called loan office and final settlement certificates, and indents of interest, be, and the same is hereby suspended for the term of one year from and after the time of the passing of this act; a notification of which temporary suspension of the act of limitation shall be published by the Secretary of the Treasury, for the information of the holders of the said certificates, in one or more of the public papers in each of the United States.

SEC. 2. *And be it further enacted*, That on the liquidation and settlement of such of the said certificates, and indents of interest, as may be presented at the treasury, pursuant to this act, the creditors shall be allowed to receive certificates of funded three per cent. stock of the United States, equal to the said indents, and the arrearages of interest due on their said certificates, prior to the first day of January, one thousand seven hundred and ninety-one.

SEC. 3. *And be it further enacted*, That the principal sums of the said loan office and final settlement certificates, with the interest thereon, since the first day of January, one thousand seven hundred and ninety-one, shall and may be discharged, after liquidation at the treasury, by the payment of interest and reimbursement of principal, equal to the sums which would have been payable thereon, if the said certificates had been subscribed, pursuant to the acts making provision for the debts of the United States, contracted during the late war, and by the payment of

other sums, equal to the market value of the remaining funded stock, which would have been created by subscriptions, as aforesaid; which market value shall be determined by the Comptroller of the Treasury.

SEC. 4. *And be it further enacted*, That the sum of twenty thousand dollars shall be, and hereby is appropriated for the purposes aforesaid, to be paid out of any monies in the treasury not otherwise appropriated.

SEC. 5. *And be it further enacted*, That from and after the passing of this act, it shall not be lawful for the officers of the treasury to issue or cause to be issued, any certificates of registered or unfunded debt; and that to satisfy such claims for services, or supplies furnished or done prior to the establishment of the present constitution of the United States, as shall be allowed according to law, and the course of settlement at the treasury, there be appropriated a sum not exceeding twenty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated.

SEC. 6. *And be it further enacted*, That the commissioners of the sinking fund shall be, and they are hereby required to reimburse, or cause to be reimbursed, the principal sums of the unfunded, or registered debt of the United States, credited on the books of the treasury, and commissioners of loans; and that they cause a notification to be published, informing the creditors generally, of the said reimbursement, and that interest on the said debts will cease at the expiration of six months after the date of the said notification; and that a sum not exceeding ninety thousand dollars be appropriated for the reimbursement of the debts aforesaid, out of any monies in the treasury not otherwise appropriated.

SEC. 7. *And be it further enacted*, That it shall be lawful for the creditors of the unfunded or registered debt aforesaid, to receive certificates of funded three per cent. stock, equal to the arrearages of interest due to them, respectively, prior to the first day of January, one thousand seven hundred and ninety-one; and on the requisition of each or any of the said creditors, the proper officers of the treasury are hereby required to issue, or cause to be issued, the said certificates of funded three per cent. stock accordingly.

APPROVED, June 12, 1798.

Appropriation therefor.

Treasury not to issue certificates of registered or unfunded debt.

Appropriation for services and supplies prior to the present constitution.

Reimbursement to be made of the unfunded or registered debt.

Notification thereof to be published.

Appropriation therefor.

Creditors of unfunded or registered debt may receive certificates of stock for certain arrearages of interest.

STATUTE II.

June 12, 1798.

[Obsolete.]

Specific appropriations.

CHAP. LII.—*An Act making appropriations for the Military establishment, for the year one thousand seven hundred and ninety-eight; and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of the military establishment, for the year one thousand seven hundred and ninety-eight, the pay and subsistence of the officers and men; bounties and premiums; the clothing, hospital, ordnance, quartermasters and Indian departments; the defensive protection of the frontiers; the contingent expenses of the war department, and the payment of military pensions; the sum of one million four hundred and eleven thousand seven hundred and ninety eight dollars (including the sum of two hundred thousand dollars already appropriated on account) be, and hereby is appropriated; that is to say:

For the pay of the army of the United States, the sum of two hundred and sixty-four thousand eight hundred and twenty-four dollars.

For the subsistence of the officers of the army, the sum of forty thousand six hundred and sixty-one dollars.

For the subsistence of the non-commissioned officers and privates, the sum of two hundred and forty-seven thousand one hundred and seventy-eight dollars.

For forage, the sum of fifteen thousand eight hundred and sixteen dollars.

Specific ap-
propriations.

For equipments, for one company of cavalry, two thousand one hundred and forty dollars.

For horses for the cavalry, to replace those which may die, or become unfit for service, the sum of four thousand five hundred dollars.

For clothing, the sum of eighty-three thousand and fifty dollars.

For bounties and premium, the sum of thirty-eight thousand dollars.

For the hospital department, the sum of ten thousand dollars.

For the ordnance department, the sum of forty-three thousand dollars.

For the quartermaster's department, the sum of two hundred and twenty-four thousand dollars.

For the Indian department, the following sums, that is to say :

For the payment of annuities to the Six Nations, Chickasaws, Cherokees and Creeks, the sum of fourteen thousand dollars.

For the expenses attending the transportation of goods, for the above mentioned annuities, the sum of nine thousand dollars.

For promoting civilization, and pay of temporary agents, the sum of fifteen thousand dollars.

For rations to Indians at the different military posts, and within their respective nations, the sum of twenty thousand dollars.

For building a grist and saw mill for the use of the Stockbridge Indians, agreeably to a treaty in one thousand seven hundred and ninety-four, three thousand dollars.

For contingent expenses for presents to Indians on their visits to the seat of government, and expenses attending their journies, and during their stay in Philadelphia, the sum of ten thousand dollars.

For the defensive protection of the frontiers of the United States, including the erection and repair of forts and fortifications, the sum of sixty thousand dollars.

For loss of stores, allowances to officers on being ordered to distant commands, and for special purposes; advertising and apprehending deserters, printing, for purchasing of maps, and other contingent expenses, the sum of twenty thousand dollars.

For the annual allowance to the invalids of the United States, for their pensions, from the fifth of March, one thousand seven hundred and ninety-eight, to the fourth day of March, one thousand seven hundred and ninety-nine, the sum of one hundred and two thousand and sixty-seven dollars, and seven cents.

For the construction and repair of certain vessels on the lakes, in the service of government, and the pay and subsistence of the officers and crews of the same, sixteen thousand seven hundred dollars.

For making good a deficiency in the appropriations for the subsistence of the non-commissioned officers and privates of the army of the United States, for the year one thousand seven hundred and ninety-seven, the sum of one hundred and fourteen thousand one hundred and sixty-seven dollars, and ninety-five cents.

For making good a deficiency in the appropriation for the expense of the quartermaster's and Indian departments; the defensive protection of the frontiers; bounties, and all other contingent expenses of the war department, for the year one thousand seven hundred and ninety-seven, the sum of fifty-four thousand six hundred and ninety-four dollars.

SEC. 2. *And be it further enacted*, That the appropriations herein before made, shall be paid and discharged out of the surplus of the revenue and income beyond the appropriations heretofore charged thereon, to the end of the present year.

APPROVED, June 12, 1798.

How these ap-
propriations are
to be paid.

CHAP. LIII.—*An Act to suspend the commercial intercourse between the United States and France, and the dependencies thereof.* (a)

STATUTE II.

June 13, 1798.

[Expired.]

After 1st July 1798, vessels shall not go to the dominions of France, or be employed in traffic with, or for persons resident therein.

Post, p. 578.

Penalty thereon.

Bond to be given on clearing for a foreign voyage after 1st July, 1798.

French vessels and certain other vessels not to be allowed to enter or remain in the United States unless they have the President's passport, or in case of distress.

Post, 611.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no ship or vessel, owned, hired, or employed, wholly or in part, by any person resident within the United States, and which shall depart therefrom after the first day of July next, shall be allowed to proceed directly, or from any intermediate port or place, to any port or place within the territory of the French Republic, or the dependencies thereof, or to any place in the West Indies, or elsewhere under the acknowledged government of France, or shall be employed in any traffic or commerce with, or for any person resident within the jurisdiction, or under the authority of the French Republic. And if any ship or vessel, in any voyage thereafter commencing, and before her return within the United States, shall be voluntarily carried, or suffered to proceed to any French port or place as aforesaid, or shall be employed as aforesaid, contrary to the intent hereof, every such ship or vessel together with her cargo shall be forfeited, and shall accrue, the one half to the use of the United States, and the other half to the use of any person or persons, citizens of the United States, who will inform and prosecute for the same; and shall be liable to be seized, prosecuted and condemned in any circuit or district court of the United States which shall be holden within or for the district where the seizure shall be made.

SEC. 2. *And be it further enacted,* That after the first day of July next, no clearance for a foreign voyage shall be granted to any ship or vessel, owned, hired, or employed, wholly or in part, by any person resident within the United States, until a bond shall be given to the use of the United States, wherein the owner or employer, if usually resident or present, where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such ship or vessel for the intended voyage, shall be parties, in a sum equal to the value of the ship or vessel, and her cargo, and shall find sufficient surety or sureties, to the amount of one half the value thereof, with condition that the same shall not, during her intended voyage, or before her return within the United States, proceed, or be carried, directly or indirectly, to any port or place within the territory of the French Republic, or the dependencies thereof, or any place in the West Indies, or elsewhere, under the acknowledged government of France, unless by distress of weather, or want of provisions, or by actual force and violence, to be fully proved and manifested before the acquittance of such bond; and that such vessel is not, and shall not be employed during her intended voyage, or before her return, as aforesaid, in any traffic or commerce with or for any person resident within the territory of that republic, or in any of the dependencies thereof.

SEC. 3. *And be it further enacted,* That from and after due notice of the passing of this act, no French ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the French Republic, or owned, fitted, hired or employed by any person resident within the territory of that republic, or any of the dependencies thereof, or sailing or coming therefrom, excepting any vessel to which the President of the United States shall grant a passport, which he is hereby authorized to grant in all cases where it shall be requisite for the purposes of any political or national intercourse, shall be allowed an entry, or to remain within the territory of the United States, unless driven there by distress of weather, or in want of provisions. And if contrary to the intent

(a) An act to declare the treaties heretofore concluded with France, as no longer obligatory on the United States, July 7, 1798, chap. 67.

In case of their being found within the U. States they shall be ordered to depart; and on non compliance they shall be seized and detained.

Vessels belonging to citizens of the U. States excepted from the prohibition until the 1st of December 1798.

Proceedings to be had in case of vessels entering in distress.

Limitation of the act.

In the recess, the President may dissolve the prohibitions of this act, on being well ascertained of a disavowal and cessation of hostilities, &c. on the part of France.

Act not to extend to vessels to which the President may grant special permissions.

hereof any such ship or vessel shall be found within the jurisdictional limits of the United States, not being liable to seizure for any other cause, the company having charge thereof shall be required to depart and carry away the same, avoiding all unnecessary delay; and if they shall, notwithstanding, remain, it shall be the duty of the collector of the district, wherein, or nearest to which, such ship or vessel shall be, to seize and detain the same, at the expense of the United States: Provided, that ships or vessels which shall be *bona fide* the property of, or hired or employed by citizens of the United States, shall be excepted from this prohibition until the first day of December next, and no longer: And provided that in the case of vessels hereby prohibited, which shall be driven by distress of weather, or the want of provisions into any port or place of the United States, they may be suffered to remain under the custody of the collector there, or nearest thereto, until suitable repairs or supplies can be obtained, and as soon as may be thereafter shall be required and suffered to depart: but no part of the lading of such vessel shall be taken out or disposed of, unless by the special permit of such collector, or to defray the unavoidable expense of such repairs or supplies.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer.

SEC. 5. *Provided, and be it further enacted*, That if, before the next session of Congress, the government of France, and all persons acting by or under their authority, shall clearly disavow, and shall be found to refrain from the aggressions, depredations and hostilities which have been, and are by them encouraged and maintained against the vessels and other property of the citizens of the United States, and against their national rights and sovereignty, in violation of the faith of treaties, and the laws of nations, and shall thereby acknowledge the just claims of the United States to be considered as in all respects neutral, and unconnected in the present European war, if the same shall be continued, then and thereupon it shall be lawful for the President of the United States, being well ascertained of the premises, to remit and discontinue the prohibitions and restraints hereby enacted and declared; and he shall be, and is hereby authorized to make proclamation thereof accordingly: Provided, that nothing in this act contained, shall extend to any ship or vessel to which the President of the United States shall grant a permission to enter or clear; which permission he is hereby authorized to grant to vessels which shall be solely employed in any purpose of political or national intercourse, or to aid the departure of any French persons, with their goods and effects, who shall have been resident within the United States, when he may think it requisite.

APPROVED, June 13, 1798.

STATUTE II.

June 18, 1798.

Ante, p. 414.

[Repealed.]

Act of April 14, 1802, ch. 28, sec. 5.

No alien may become a citizen, unless he shall have declared his intention to become such, five years before his admission.

He shall declare and prove fourteen years

CHAP. LIV.—*An Act supplementary to and to amend the act, intituled "An act to establish an uniform rule of naturalization; and to repeal the act heretofore passed on that subject."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no alien shall be admitted to become a citizen of the United States, or of any state, unless in the manner prescribed by the act, intituled "An act to establish an uniform rule of naturalization; and to repeal the act heretofore passed on that subject," he shall have declared his intention to become a citizen of the United States, five years, at least, before his admission, and shall, at the time of his application to be admitted, declare and prove, to the satisfaction of the court having jurisdiction in the case, that he has resided within the United States fourteen years, at least, and within the state or territory where, or for which such court is at the time held, five years, at least, besides conforming to the other

declarations, renunciations and proofs, by the said act required, any thing therein to the contrary hereof notwithstanding: *Provided*, that any alien, who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may, within one year after the passing of this act—and any alien who shall have made the declaration of his intention to become a citizen of the United States, in conformity to the provisions of the act, intituled “An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject,” may, within four years after having made the declaration aforesaid, be admitted to become a citizen, in the manner prescribed by the said act, upon his making proof that he has resided five years, at least, within the limits, and under the jurisdiction of the United States: *And provided also*, that no alien, who shall be a native, citizen, denizen or subject of any nation or state with whom the United States shall be at war, at the time of his application, shall be then admitted to become a citizen of the United States.

SEC. 2. *And be it further enacted*, That it shall be the duty of the clerk, or other recording officer of the court before whom a declaration has been, or shall be made, by any alien, of his intention to become a citizen of the United States, to certify and transmit to the office of the Secretary of State of the United States, to be there filed and recorded, an abstract of such declaration, in which, when hereafter made, shall be a suitable description of the name, age, nation, residence and occupation, for the time being, of the alien; such certificate to be made in all cases, where the declaration has been or shall be made, before the passing of this act, within three months thereafter; and in all other cases, within two months after the declaration shall be received by the court. And in all cases hereafter arising, there shall be paid to the clerk, or recording officer as aforesaid, to defray the expense of such abstract and certificate, a fee of two dollars; and the clerk or officer to whom such fee shall be paid or tendered, who shall refuse or neglect to make and certify an abstract, as aforesaid, shall forfeit and pay the sum of ten dollars.

SEC. 3. *And be it further enacted*, That in all cases of naturalization heretofore permitted or which shall be permitted, under the laws of the United States, a certificate shall be made to, and filed in the office of the Secretary of State, containing a copy of the record respecting the alien, and the decree or order of admission by the court before whom the proceedings thereto have been, or shall be had: And it shall be the duty of the clerk or other recording officer of such court, to make and transmit such certificate, in all cases which have already occurred, within three months after the passing of this act; and in all future cases, within two months from and after the naturalization of an alien shall be granted by any court competent thereto:—And in all future cases, there shall be paid to such clerk or recording officer the sum of two dollars, as a fee for such certificate, before the naturalization prayed for, shall be allowed. And the clerk or recording officer, whose duty it shall be, to make and transmit the certificate aforesaid, who shall be convicted of a wilful neglect therein, shall forfeit and pay the sum of ten dollars, for each and every offence.

SEC. 4. *And be it further enacted*, That all white persons, aliens, (accredited foreign ministers, consuls, or agents, their families and domestics, excepted) who, after the passing of this act, shall continue to reside, or who shall arrive, or come to reside in any port or place within the territory of the United States, shall be reported, if free, and of the age of twenty-one years, by themselves, or being under the age of twenty-one years, or holden in service, by their parent, guardian, master or mistress in whose care they shall be, to the clerk of the district court of the district, if living within ten miles of the port or place, in which their residence or arrival shall be, and otherwise, to the collector of such port

residence within the United States, and five years in the state, &c. where he applies; besides otherwise conforming to the former act.

Provision in favor of residents before 29th Jan. 1795, and of persons having made the declaration of their intention to become citizens.

Alien enemies cannot become citizens.

Clerks of courts to send to the Secretary of State abstracts of the declarations of aliens intending to become citizens.

Fees of the clerks therefor. Penalty on refusing to make or certify such abstracts.

Clerks of courts to send to the Secretary of State certified copies of the records of naturalization.

Their fees therefor.

Penalty on wilfully neglecting to transmit such certificates.

All white aliens residing or arriving in the U. States to be reported and registered.

Manner of making the report.

Report to be recorded, &c.

Fees for registering aliens.

Certificates thereof, how to be granted.

Clerks of the district courts to make monthly returns to the department of state.

Penalty on aliens refusing or neglecting to make a report, &c.

Surety of the peace may be required of them.

Penalty on persons having the care of aliens refusing or neglecting to make report.

Certificate of the registry of aliens required to show the commencement of their residence on application to be naturalized.

or place, or some officer or other person there, or nearest thereto, who shall be authorized by the President of the United States, to register aliens: And report, as aforesaid, shall be made in all cases of residence, within six months from and after the passing of this act, and in all after cases, within forty-eight hours after the first arrival or coming into the territory of the United States, and shall ascertain the sex, place of birth, age, nation, place of allegiance or citizenship, condition or occupation, and place of actual or intended residence within the United States, of the alien or aliens reported, and by whom the report is made. And it shall be the duty of the clerk, or other officer, or person authorized, who shall receive such report, to record the same in a book to be kept for that purpose, and to grant to the person making the report, and to each individual concerned therein, whenever required, a certificate of such report and registry; and whenever such report and registry shall be made to, and by any officer or person authorized, as aforesaid, other than the clerk of the district court, it shall be the duty of such officer, or other person, to certify and transmit, within three months thereafter, a transcript of such registry, to the said clerk of the district court of the district in which the same shall happen; who shall file the same in his office, and shall enter and transcribe the same in a book to be kept by him for that purpose. And the clerk, officer or other person authorized to register aliens, shall be entitled to receive, for each report and registry of one individual or family of individuals, the sum of fifty cents, and for every certificate of a report and registry the sum of fifty cents, to be paid by the person making or requiring the same, respectively. And the clerk of the district court, to whom a return of the registry of any alien, shall have been made, as aforesaid, and the successor of such clerk, and of any other officer or person authorized to register aliens, who shall hold any former registry, shall and may grant certificates thereof, to the same effect as the original register might do. And the clerk of each district court shall, during one year from the passing of this act, make monthly returns to the department of State, of all aliens registered and returned, as aforesaid, in his office.

SEC. 5. *And be it further enacted*, That every alien who shall continue to reside, or who shall arrive, as aforesaid, of whom a report is required as aforesaid, who shall refuse or neglect to make such report, and to receive a certificate thereof, shall forfeit and pay the sum of two dollars; and any justice of the peace, or other civil magistrate, who has authority to require surety of the peace, shall and may, on complaint to him made thereof, cause such alien to be brought before him, there to give surety of the peace and good behaviour during his residence within the United States, or for such term as the justice or other magistrate shall deem reasonable, and until a report and registry of such alien shall be made, and a certificate thereof, received as aforesaid; and in failure of such surety, such alien shall and may be committed to the common gaol, and shall be there held, until the order which the justice or magistrate shall and may reasonably make, in the premises, shall be performed. And every person, whether alien, or other, having the care of any alien or aliens, under the age of twenty-one years, or of any white alien holden in service, who shall refuse and neglect to make report thereof, as aforesaid, shall forfeit the sum of two dollars, for each and every such minor or servant, monthly, and every month, until a report and registry, and a certificate thereof, shall be had, as aforesaid.

SEC. 6. *And be it further enacted*, That in respect to every alien, who shall come to reside within the United States after the passing of this act, the time of the registry of such alien shall be taken to be the time when the term of residence within the limits, and under the jurisdiction of the United States, shall have commenced, in case of an application by such alien, to be admitted a citizen of the United States; and

a certificate of such registry shall be required, in proof of the term of residence, by the court to whom such application shall and may be made.

SEC. 7. *And be it further enacted*, That all and singular the penalties established by this act, shall and may be recovered in the name, and to the use of any person, who will inform and sue for the same, before any judge, justice, or court, having jurisdiction in such case, and to the amount of such penalty, respectively.

APPROVED, June 18, 1798.

Penalties how
to be recovered.

STATUTE II.

CHAP. LV.—*An Act to amend the act, intituled "An act providing a Naval Armament," and the act, intituled "An act to authorize the President of the United States to cause to be purchased or built, a number of small vessels, to be equipped as galleys or otherwise."*

June 22, 1798.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States shall be, and he is hereby authorized, when he shall think fit to increase the strength of any revenue cutter, for the purposes of defence, against hostilities near the sea coast, to employ on board the same, at his discretion, not exceeding seventy marines and seamen: any thing in the act, intituled "An act providing a naval armament," to the contrary hereof, notwithstanding.

President may
increase the
strength of re-
venue cutters.

Ante, p. 523.

Ante, p. 556.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to fix the degree of rank, and the rate of pay and subsistence, not exceeding what is allowed upon the naval establishment, which shall be granted and allowed to the officers who shall be duly commissioned in the service of the United States on board of any small vessel or galley, which shall be fitted out under his orders, pursuant to the act, intituled "An act to authorize the President of the United States to cause to be purchased, or built, a number of small vessels, to be equipped as galleys, or otherwise;" any thing therein to the contrary hereof, notwithstanding.

President may
fix the rank, pay
and subsistence
of the officers of
small vessels
and galleys.

APPROVED, June 22, 1798.

STATUTE II.

CHAP. LVI.—*An Act to extend the privilege of franking letters and packets to the Secretary of the Navy.*

June 22, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets to or from the Secretary of the Navy, shall be received and conveyed by post, free of postage, under the like restrictions and limitations as are provided respecting letters and packets to or from the heads of the other departments of the government, by the nineteenth section of the act, entitled "An act to establish the post-office and post roads within the United States."

Act of March
2, 1799, ch. 43,
sec. 17.

1794, ch. 23.

APPROVED, June 22, 1798.

STATUTE II.

CHAP. LVII.—*An Act supplementary to, and to amend the act, intituled "An act authorizing the President of the United States to raise a provisional army."*

June 22, 1798.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the companies of volunteers, and the members of each company, who shall be duly engaged and accepted by the President of the United States, and organized with proper officers commissioned by him, pursuant to the third section of the act, intituled "An act authorizing the President of the United States to raise a provisional army," shall submit to, and observe such rules of training and discipline, as shall be thought neces-

Volunteers to
observe the
rules to be fixed
by the President
for training and
disciplining
them.

Ante, p. 558.

Exempted
from militia du-
ty.

President may
appoint their
field officers.

President may
authorize the
sale to them of
artillery, arms,
&c.

or may loan the
same.

President may
proceed to ap-
point such of the
officers for the
army of 10,000
men as may be
more immedi-
ately requisite.

sary to prepare them for actual service; and which rules the President of the United States is hereby authorized to make and establish; and all such companies and volunteers are hereby exempted, until their discharge, or during the time of their engagement, as aforesaid, from all militia duty which is, or shall be required by the laws of the United States, or of any state, and from every fine, penalty or disability, which is or shall be provided to enforce the performance of any duty or service in the militia.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized, by and with the consent of the Senate, or by himself in the recess of Congress, pursuant to the said act, to appoint and commission, as soon as he shall think it expedient, such and so many field officers as shall be necessary for the organizing and embodying in legions, regiments or battalions, any volunteer companies who shall engage, and shall be accepted, as aforesaid: and such field officers shall have authority, accordingly, to train and discipline such volunteer companies, pursuant to the rules therefor, which shall be established, as aforesaid: *Provided*, that no officer or volunteer, who shall be appointed, engaged or employed in any training or discipline, as aforesaid, shall be considered as in the pay of the United States, until called into actual service.

SEC. 3. *And be it further enacted*, That the President of the United States may authorize the sale, at a reasonable rate, sufficient to indemnify the United States, to any company of volunteers who shall be accepted, as aforesaid, of such pieces of artillery, small arms and accoutrements, to be delivered from the public arsenals, as shall be found necessary for the equipment and training of such volunteers; or may loan the same to them upon the receipts of their respective officers, to be accounted for, or returned, at the expiration of their engagement, or other discharge: And of such sales or loans, the necessary accounts shall be kept in the War department, and the money accruing, by any sale, shall be paid into the treasury of the United States; and the same shall be, and is hereby appropriated for the purchase of other artillery, arms and accoutrements, as the President of the United States shall direct.

SEC. 4. *And be it further enacted*, That the President of the United States may proceed to appoint and commission, in the manner prescribed by the said act, such and so many of the officers authorized thereby for the raising, organizing and commanding the provisional army of ten thousand men, as, in his opinion, the public service shall more immediately require; any thing which may be supposed in the said act, to the contrary hereof, notwithstanding: *Provided*, that the officers who shall be so appointed shall not be entitled to any pay, subsistence or other emolument, by reason of such commission, until they shall be respectively employed in the actual service of the United States: *And provided*, that the further raising of the said army shall not be authorized otherwise than as by the said act is provided.

APPROVED, June 22, 1798.

June 25, 1798.

CHAP. LVIII.—*An Act concerning Aliens. (u)*

[Expired.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be

(a) The act of July 6, 1798, having authorized the President to direct the confinement of alien enemies, necessarily conferred all the means for enforcing such orders as he might give in relation to the execution of those powers. *Lockington v. Smith*, 1 Peters's C. C. R. 466.

The marshals of the several districts are the proper officers to execute the orders of the President under the act. *Ibid.*

After the President had established such regulations as he deemed necessary in relation to alien enemies, it was not necessary to call in the aid of the judicial authority, on all occasions, to enforce them; and the marshal may act without such authority. *Ibid.*

lawful for the President of the United States at any time during the continuance of this act, to order all such *aliens* as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order, which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the marshal or other person to whom the same shall be directed. And in case any alien, so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a *license* from the President to reside therein, or having obtained such *license* shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. *Provided always, and be it further enacted*, that if any alien so ordered to depart shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the President may grant a *license* to such alien to remain within the United States for such time as he shall judge proper, and at such place as he may designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke, whenever he shall think proper.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States, whenever he may deem it necessary for the public safety, to order to be removed out of the territory thereof, any alien who may or shall be in prison in pursuance of this act; and to cause to be arrested and sent out of the United States such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a license as aforesaid, in all cases where, in the opinion of the President, the public safety requires a speedy removal. And if any alien so removed or sent out of the United States by the President shall voluntarily return thereto, unless by permission of the President of the United States, such alien on conviction thereof, shall be imprisoned so long as, in the opinion of the President, the public safety may require.

SEC. 3. *And be it further enacted*, That every master or commander of any ship or vessel which shall come into any port of the United States after the first day of July next, shall immediately on his arrival make report in writing to the collector or other chief officer of the customs of such port, of all aliens, if any, on board his vessel, specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong and owe allegiance, their occupation and a description of their persons, as far as he shall be informed thereof, and on failure, every such master and commander shall forfeit and pay three hundred dollars, for the payment whereof on default of such master or commander, such vessel shall also be holden, and may by such collector or other officer of the customs be detained. And it shall be the duty of such collector or other officer of the customs, forthwith to

President may order certain aliens to depart.

Manner of serving the order.

Penalty upon an alien being thereafter found at large.

If an alien ordered to depart shall make certain proof, he may receive a license to remain.

President may require security from such alien.

The President may order certain aliens to be removed out of the U. States.

Penalty on their returning.

Masters of vessels to make report concerning aliens, to officers of the customs.

Penalty on failure to do so. Officers of the customs to transmit copies of the returns.

Circuit and district courts

By the provisions of the law, it was designed to make the judiciary auxiliary to the executive, in effecting its great objects; and each department was to act independently of the other, except that the former was to make the ordinances of the latter, the rule of its decisions. *Ibid.*

to have jurisdiction.

Marshals, &c. to execute orders of the President.

Aliens ordered to be removed may dispose of their property.

Limitation of the act.

transmit to the office of the department of state true copies of all such returns.

SEC. 4. *And be it further enacted*, That the circuit and district courts of the United States, shall respectively have cognizance of all crimes and offences against this act. And all marshals and other officers of the United States are required to execute all precepts and orders of the President of the United States issued in pursuance or by virtue of this act.

SEC. 5. *And be it further enacted*, That it shall be lawful for any alien who may be ordered to be removed from the United States, by virtue of this act, to take with him such part of his goods, chattels, or other property, as he may find convenient; and all property left in the United States by any alien, who may be removed, as aforesaid, shall be, and remain subject to his order and disposal, in the same manner as if this act had not been passed.

SEC. 6. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years from the passing thereof.

APPROVED, June 25, 1798.

STATUTE II.

June 25, 1798.

[Expired.]

Merchant vessels may oppose searches, &c. attempted by the French, Ante, p. 561, 565.

Post, p. 578.

repel assaults, capture the aggressors, and make recaptures.

Captured vessels may be condemned, sold and distributed.

Recaptured American vessels to be restored on paying salvage.

CHAP. LX.—*An Act to authorize the defence of the Merchant Vessels of the United States against French depredations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof, may oppose and defend against any search, restraint or seizure, which shall be attempted upon such vessel, or upon any other vessel, owned, as aforesaid, by the commander or crew of any armed vessel sailing under French colours, or acting, or pretending to act, by, or under the authority of the French republic; and may repel by force any assault or hostility which shall be made or committed, on the part of such French, or pretended French vessel, pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under French colours, or acting, or pretending to act, by or under authority from the French republic.

SEC. 2. *And be it further enacted*, That whenever the commander and crew of any merchant vessel of the United States shall subdue and capture any French, or pretended French armed vessel, from which an assault or other hostility shall be first made, as aforesaid, such armed vessel with her tackle, appurtenances, ammunition and lading, shall accrue, the one half to the owner or owners of such merchant vessel of the United States, and the other half to the captors: And being brought into any port of the United States, shall and may be adjudged and condemned to their use, after due process and trial, in any court of the United States, having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof, accordingly, and at their discretion; saving any agreement, which shall be between the owner or owners, and the commander and crew of such merchant vessel. In all cases of recapture of vessels belonging to citizens of the United States, by any armed merchant vessel, aforesaid, the said vessels, with their cargoes, shall be adjudged to be restored, and shall, by decree of such courts as have jurisdiction, in the premises, be restored to the former owner or owners, he or they paying for salvage, not less than one eighth, nor more than one half of the true value of the said vessels and cargoes, at the discretion of the court; which payments shall be made without any deduction whatsoever.

SEC. 3. *And be it further enacted*, That after notice of this act, at the several custom-houses, no armed merchant vessel of the United States shall receive a clearance or permit, or shall be suffered to depart therefrom, unless the owner or owners, and the master or commander of such vessel for the intended voyage, shall give bond, to the use of the United States, in a sum equal to double the value of such vessel, with condition, that such vessel shall not make or commit any depredation, outrage, unlawful assault, or unprovoked violence upon the high seas, against the vessel of any nation in amity with the United States; and that the guns, arms and ammunition of such vessel shall be returned within the United States, or otherwise accounted for, and shall not be sold or disposed of in any foreign port or place; and that such owner or owners, and the commander and crew of such merchant vessel, shall, in all things, observe and perform such further instructions in the premises, as the President of the United States shall establish and order, for the better government of the armed merchant vessels of the United States.

Security to be given previous to the clearing of armed merchant vessels.

SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to establish and order suitable instructions to, and for, the armed merchant vessels of the United States, for the better governing and restraining the commanders and crews who shall be employed therein, and to prevent any outrage, cruelty or injury which they may be disposed to commit; a copy of which instructions shall be delivered by the collector of the customs to the commander of such vessel, when he shall give bond, as aforesaid. And it shall be the duty of the owner or owners, and commander and crew, for the time being, of such armed merchant vessel of the United States, at each return to any port of the United States, to make report to the collector thereof of any rencounter which shall have happened with any foreign vessel, and of the state of the company and crew of any vessel which they shall have subdued or captured; and the persons of such crew or company shall be delivered to the care of such collector, who, with the aid of the marshal of the same district, or the nearest military officer of the United States, or of the civil or military officers of any state, shall take suitable care for the restraint, preservation and comfort of such persons, at the expense of the United States, until the pleasure of the President of the United States shall be known concerning them.

The President shall establish instructions for the government of armed merchant vessels.

Report to be made to the collector on their return into the United States.

Disposal of prisoners.

SEC. 5. *And be it further enacted*, That this act shall continue and be in force for the term of one year, and until the end of the next session of Congress thereafter.

Limitation of the act.

SEC. 6. *Provided, and be it further enacted*, That whenever the government of France, and all persons acting by, or under their authority, shall disavow, and shall cause the commanders and crews of all armed French vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that government against the merchant vessel[s] of the United States, and shall cause the laws of nations to be observed by the said armed French vessels, the President of the United States shall be, and he is hereby authorized to instruct the commanders and crews of the merchant vessels of the United States to submit to any regular search by the commanders or crews of French vessels, and to refrain from any force or capture to be exercised by virtue hereof.

The President may instruct the armed merchant vessels to submit to searches, &c. when French armed vessels shall observe the law of nations, &c.

APPROVED, June 25, 1798.

STATUTE II.

CHAP. LXI.—*An Act to punish frauds committed on the Bank of the United States.*

June 27, 1798.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, alter, forge or counterfeit, or cause or procure to be

Penalty on forging or uttering counterfeit bills, notes, or-

ders or checks, by or upon the bank of the U. States.

falsely made, altered, forged or counterfeited, or willingly aid or assist in falsely making, altering, forging or counterfeiting any bill or note issued by order of the president, directors and company of the Bank of the United States, and signed by the president, and countersigned by the cashier thereof, or any order or check on the said cashier or corporation, for the payment of money, with intention to defraud the said corporation, or any other body politic or person, or shall utter or publish, as true, any false, altered, forged or counterfeited bill or note issued by order of the president, directors and company of the Bank of the United States, and signed by the president, and countersigned by the cashier thereof, or any order or check on the said cashier or corporation, for the payment of money, with intention to defraud the said corporation, or any other body politic or person, knowing the same to be falsely altered, forged or counterfeited, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, according to the due course of law, shall be sentenced to be imprisoned and kept at hard labour for a period not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: *Provided*, that nothing herein contained shall be construed to deprive the courts of the individual states of a jurisdiction under the laws of the several states over the offences declared punishable by this act.

APPROVED, June 27, 1798.

STATUTE II.

June 28, 1798.

[Obsolete.]

Captured armed vessels and goods may be condemned in the district courts.

Ante, p. 561.

Ante, p. 578.

Forfeiture not to extend to captured property of citizens or residents in the U. States.

Recaptured property of citizens and residents to be restored, paying salvage.

Distribution of prizes.

Salvage to belong wholly to the officers and crew.

Court condemning may order a sale, &c.

CHAP. LXII.—*An Act in addition to the act more effectually to protect the Commerce and Coasts of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all such armed vessels as may be seized, taken and brought into any port of the United States, in pursuance of the act, entitled "An act more effectually to protect the commerce and coasts of the United States," with the apparel, guns and appurtenances of such vessels, and the goods and effects, which shall be found on board the same, shall be liable to forfeiture and condemnation, and may be libelled and proceeded against in the district courts of the United States, for the district into which the same may be brought. *Provided*, that such forfeiture shall not extend to any goods or effects, the property of any citizen or person resident within the United States, and which shall have been before taken by the crew of such captured vessel.

SEC. 2. *And be it further enacted*, That whenever any vessel the property of, or employed by any citizen of the United States, or person resident therein, or any goods or effects belonging to any such citizen or resident shall be re-captured by any public armed vessel of the United States, the same shall be restored to the former owner or owners, upon due proof, he or they paying and allowing, as and for salvage to the recaptors, one eighth part of the value of such vessel, goods and effects, free of all deductions and expenses.

SEC. 3. *And be it further enacted*, That whenever any armed vessel, captured and condemned, as aforesaid, shall have been of superior or equal force to the public armed vessel of the United States by which such capture shall have been made, the forfeiture shall be and accrue wholly to the captors: and in other cases, one half thereof shall be to the use of the United States, and the residue to the captors. And all salvage which shall be allowed and recovered upon any vessel, goods or effects re-captured, and to be restored, as aforesaid, shall belong wholly to the officers and crew of the public armed vessel of the United States by which such re-capture shall be made: and the court before whom any condemnation shall be had, as aforesaid, shall and may order the sale of

the vessel, goods and effects condemned, to be made at public auction, upon due notice by the marshal of the district in which the same shall be: and all expenses of condemnation and sale, being deducted from the proceeds, the part thereof which shall accrue to the United States, shall be paid into the public treasury, and the residue, and all allowances of salvage, as aforesaid, shall be distributed to, and among the officers and crews concerned therein, in the proportions which the President of the United States shall direct.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States, to cause the officers and crews of the vessels so captured and hostile persons found on board any vessel, which shall be re-captured, as aforesaid, to be confined in any place of safety within the United States, in such manner as he may think the public interest may require, and all marshals and other officers of the United States are hereby required to execute such orders as the President may issue for the said purpose.

Officers and crews of captured vessels, &c. to be confined.

APPROVED, June 28, 1798.

STATUTE II.

CHAP. LXIII.—*An Act making an appropriation for the expenses incident to the new Regiment of Artillerists and Engineers, during the year one thousand seven hundred and ninety-eight.*

June 28, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of eighty-eight thousand dollars be, and the same hereby is appropriated for the pay, subsistence, clothing, forage, bounties, quartermaster's supplies, and all contingent expenses, during the year one thousand seven hundred and ninety-eight, of the regiment of artillerists and engineers to be raised for the service of the United States, pursuant to an act, intituled "An act to provide an additional regiment of artillerists and engineers." The said sum of eighty-eight thousand dollars to be paid out of any unappropriated money in the treasury of the United States.

[Obsolete.]

1798, ch. 33.

APPROVED, June 28, 1798.

STATUTE II.

CHAP. LXIV.—*An Act supplementary to the act intituled "An act to provide an additional Armament for the further protection of the trade of the United States, and for other purposes."*

June 30, 1798.

Ante, p. 552.

[Obsolete.]

The President may accept vessels offered on the credit of the U. States; whereupon he may cause evidence of the debt or obligation to be given therefor.

Limitation to twelve vessels.

No more than six per cent. to be allowed on credits.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States shall be, and he is hereby authorized to accept, in behalf of the United States, of the proposals of any persons who shall offer and undertake to complete, provide and deliver, to the use, and upon the credit of the United States, on terms, in his opinion, advantageous or convenient, any vessel or vessels, now building, or to be built within the United States, of a model and size which he shall approve, and armed and equipped, or suitable to be armed for the public service: and upon the delivery of the vessel or vessels, according to such proposals, or to the acceptance of the President of the United States, he may cause proper certificates, or other evidence of the debt or obligation of the United States incurred thereby, to be made and given at the treasury department, and which shall be there registered, to the use and benefit of the persons concerned: *Provided*, that not more than twelve vessels, in addition to those already authorized, shall and may be procured, by virtue hereof: *And provided*, that not more than six per cent. per annum, shall be allowed for any credit which shall be given under this act. And all certificates of debt shall be redeemable at the will of Congress.

Rates of the ships of war to be procured or accepted.

Ante, p. 552.

The President may accept of vessels given to the use of the U. States.

The President may regulate the rank, pay, &c. of officers, and number of men to be employed, &c.

1794, ch. 12.

The President may vary the quotas of seamen, landmen, &c.

SEC. 2. *And be it further enacted*, That the vessels authorized by the act, intituled "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes," and those which shall be authorized by this act, shall be procured and accepted according to the following rates, as nearly as may be; that is to say—six of them not exceeding eighteen guns each, and twelve of them not less than twenty, or exceeding twenty-four guns each, and six not less than thirty-two guns each; and the guns for each vessel, to be of such caliber and weight of metal, as the President of the United States shall approve; any thing in the said former act, to the contrary hereof, notwithstanding.

SEC. 3. *And be it further enacted*, That the President of the United States may, at his discretion, accept of any vessel armed and equipped, or suitable to be armed, of a model, size and force proper for the public service, which any state, body politic or corporate, citizen or citizens of the United States, shall voluntarily offer and give, for the use of the United States, to increase the naval armament.

SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to determine and direct, according to the rate of each vessel which shall be furnished or accepted in pursuance of this act, the rank, pay, and subsistence of the commissioned and warrant officers, who shall be appointed thereto; and the number of men to be engaged, and the pay to be allowed them, not exceeding the proportionable grades and allowances which are or shall be authorized by law, for the navy of the United States. And all officers of the said navy, according to their respective ranks, shall be appointed in the manner prescribed by the act, intituled "An act to provide a naval armament."

SEC. 5. *And be it further enacted*, That the President of the United States may, at his discretion, increase or vary the quotas of seamen, landmen and marines, to be employed on board the frigates, and may permit a proportion of boys for them, and the other vessels of the navy of the United States, according to the exigencies of the public service.

APPROVED, June 30, 1798.

STATUTE II.

July 6, 1798.

CHAP. LXV.—*An Act providing Arms for the Militia throughout the United States.*

30,000 stands of arms to be provided, and sold to the state governments, and

Act of April 23, 1808, ch. 55.

those remaining unsold may be delivered to the militia, when called into service.

Amount of sales to be paid into the Treasury.

Appropriation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be provided, at the charge and expense of the government of the United States, thirty thousand stand of arms, which shall be deposited by order of the President of the United States, at suitable places; for the purpose of being sold to the governments of the respective States, or the militia thereof, under such regulations, and at such prices as the President of the United States shall prescribe.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause all or any part of the arms herein directed to be provided and deposited for sale, which shall, at any time, remain unsold, to be delivered to the militia, when called into the service of the United States, proper receipts and security being given for the return of the same.

SEC. 3. *And be it further enacted*, That the monies arising from such sales shall be paid into the treasury of the United States, and the amount received shall be annually reported to Congress.

SEC. 4. *And be it further enacted*, That for the purpose of carrying this act into effect, the President of the United States shall be, and he is hereby authorized to draw from the treasury of the United States, a

sum not exceeding four hundred thousand dollars, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 6, 1798.

CHAP. LXVI.—*An Act respecting Alien Enemies.*(a)

STATUTE II.

July 6, 1798.

[Expired.]

In case of war, or actual threatened invasion, the President shall make a proclamation.

Act of July 6, 1812, ch. 130.

Alien enemies how to be treated.

If not chargeable with crimes against the public safety, time shall be allowed for their departure.

All courts of criminal jurisdiction—and also the judges of the courts of the U. States may receive and hear complaints against alien enemies, and make an order thereon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies. And the President of the United States shall be, and he is hereby authorized, in any event, as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, towards the aliens who shall become liable, as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those, who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom; and to establish any other regulations which shall be found necessary in the premises and for the public safety: Provided, that aliens resident within the United States, who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated by any treaty, where any shall have been between the United States, and the hostile nation or government, of which they shall be natives, citizens, denizens or subjects: and where no such treaty shall have existed, the President of the United States may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

SEC. 2. *And be it further enacted,* That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge or justice; and after a full examination and hearing on such complaint, and suffi-

(a) Alien enemy. The fact that the commander of a private armed vessel was an alien enemy at the time of the capture, does not invalidate such capture. *The Mary and Susan*, 1 Wheat. 46; 3 Cond. Rep. 480.

Admitting it to have any operation, all that could result from it would be the condemnation of his interest to the government, as a droit of the admiralty; but his national character can in no case affect the rights of the owners and crew of the privateer. *Ibid.*

An alien enemy cannot be permitted to make the declaration required by law, preparatory to the naturalization of aliens. *Ex parte Newman*, 2 Gallis' C. C. R. 11.

An alien enemy cannot sustain a suit in a prize court, nor can a citizen claim the property of an alien enemy in a prize court, upon an alleged sale since the war. *The Emulous*, 1 Gallis. C. C. R. 563.

cient cause therefor appearing, shall and may order such alien or aliens to be removed out of the territory of the United States, or to give sureties of their good behaviour, or to be otherwise restrained, conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison, or otherwise secure such alien or aliens, until the order which shall and may be made, as aforesaid, shall be performed.

Marshals of the district to provide for their removal, for which he shall have a warrant.

SEC. 3. *And be it further enacted*, That it shall be the duty of the marshal of the district in which any alien enemy shall be apprehended, who by the President of the United States, or by order of any court, judge or justice, as aforesaid, shall be required to depart, and to be removed, as aforesaid, to provide therefor, and to execute such order, by himself or his deputy, or other discreet person or persons to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President of the United States, or of the court, judge or justice ordering the same, as the case may be.

APPROVED, July 6, 1798.

STATUTE II.

July 7, 1798.

CHAP. LXVII.—*An Act to declare the treaties heretofore concluded with France, no longer obligatory on the United States.*

Ante, p. 561, 565, 578.

WHEREAS the treaties concluded between the United States and France have been repeatedly violated on the part of the French government; and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations, have been repelled with indignity: And whereas, under authority of the French government, there is yet pursued against the United States, a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the government or citizens of the United States.

APPROVED, July 7, 1798.

STATUTE II.

July 9, 1798.

CHAP. LXVIII.—*An Act further to protect the Commerce of the United States.*(a)

[Expired.]

The President may instruct the commanders of public armed vessels to capture any French armed vessels.

Ante, p. 561, 565.

They shall be condemned and distributed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States shall be, and he is hereby authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, seize and take any armed French vessel, which shall be found within the jurisdictional limits of the United States, or elsewhere, on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited; and shall accrue and be distributed, as by law is or shall be provided respecting

(a) The commander of an armed vessel of the United States, has a right to stop vessels on the high seas, for examination. *Maley v. Shattuck*, 3 Cranch, 458; 1 Cond. Rep. 597.

The right of capture is entirely derived from the law; it is a limited right which is subject to all the restraints which the legislature has imposed, and is to be exercised in the manner its wisdom has prescribed. *The Thomas Gibbons*, 8 Cranch 421; 3 Cond. Rep. 193.

the captures which shall be made by the public armed vessels of the United States.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to grant to the owners of private armed ships and vessels of the United States, who shall make application therefor, special commissions in the form which he shall direct, and under the seal of the United States; and such private armed vessels, when duly commissioned, as aforesaid, shall have the same license and authority for the subduing, seizing and capturing any armed French vessel, and for the recapture of the vessels, goods and effects of the people of the United States, as the public armed vessels of the United States may by law have; and shall be, in like manner, subject to such instructions as shall be ordered by the President of the United States, for the regulation of their conduct. And the commissions which shall be granted, as aforesaid, shall be revocable at the pleasure of the President of the United States.

The President may grant commissions to private armed vessels, which shall have the same authority to capture, as public armed vessels.

They shall be subject to instructions of the President.

SEC. 3. *Provided, and be it further enacted*, That every person intending to set forth and employ an armed vessel, and applying for a commission, as aforesaid, shall produce in writing the name, and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, the number of the crew and the name of the commander, and the two officers next in rank, appointed for such vessel; which writing shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

Applicants for commissions to deliver a written description.

SEC. 4. *And provided, and be it further enacted*, That before any commission, as aforesaid, shall be issued, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of seven thousand dollars; or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of fourteen thousand dollars; with condition that the owners, and officers, and crews who shall be employed on board of such commissioned vessel, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them for the regulation of their conduct: And will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof, by such vessel, during her commission, and to deliver up the same when revoked by the President of the United States.

They shall give security.

SEC. 5. *And be it further enacted*, That all armed French vessels, together with their apparel, guns and appurtenances, and any goods or effects which shall be found on board the same, being French property, and which shall be captured by any private armed vessel or vessels of the United States, duly commissioned, as aforesaid, shall be forfeited, and shall accrue to the owners thereof, and the officers and crews by whom such captures shall be made; and on due condemnation had, shall be distributed according to any agreement which shall be between them; or in failure of such agreement, then by the discretion of the court before whom such condemnation shall be.

French ships and goods captured by private armed vessels, to be condemned and distributed.

SEC. 6. *And be it further enacted*, That all vessels, goods and effects, the property of any citizen of the United States, or person resident therein, which shall be recaptured, as aforesaid, shall be restored to the lawful owners, upon payment by them, respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court of the United States having maritime jurisdiction according to the nature of each case: *Provided*,

American property recaptured, to be restored on the payment of salvage.

Distribution
of salvage.

Captured ves-
sels to be
brought in and
adjudicated.

Prisoners to
be reported to
the Collector
and delivered to
the Marshal,
&c.

that such allowance shall not be less than one eighth, or exceeding one half of the full value of such recapture, without any deduction. And such salvage shall be distributed to and among the owners, officers and crews of the private armed vessel or vessels entitled thereto, according to any agreement which shall be between them; or in case of no agreement, then by the decree of the court who shall determine upon such salvage.

SEC. 7. *And be it further enacted*, That before breaking bulk of any vessel which shall be captured, as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such capture shall be brought into some port of the United States, and shall be libelled and proceeded against before the district court of the same district; and if after a due course of proceedings, such capture shall be decreed as forfeited in the district court, or in the circuit court of the same district, in the case of any appeal duly allowed, the same shall be delivered to the owners and captors concerned therein, or shall be publicly sold by the marshal of the same court, as shall be finally decreed and ordered by the court. And the same court, who shall have final jurisdiction of any libel or complaint of any capture, as aforesaid, shall and may decree restitution, in whole or in part, when the capture and restraint shall have been made without just cause, as aforesaid; and if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners, officers and crews of the private armed vessel or vessels by which such unjust capture shall have been made, and also such vessel or vessels shall be answerable and liable.

SEC. 8. *And be it further enacted*, That all French persons and others, who shall be found acting on board any French armed vessel, which shall be captured, or on board of any vessel of the United States, which shall be recaptured, as aforesaid, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal, or of some civil or military officer of the United States, or of any state in or near such port; who shall take charge for their safe keeping and support, at the expense of the United States.

APPROVED, July 9, 1798.

STATUTE II.

July 9, 1798.

[Obsolete.]

CHAP. LXIX.—*An Act limiting the time, within which claims against the United States, for credits on the books of the Treasury, may be presented for allowance.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all credits on the books of the treasury of the United States, for transactions during the late war, which, according to the course of the treasury, have hitherto been discharged by issuing certificates of registered debt, shall be forever barred and precluded from settlement or allowance, unless claimed by the proper creditors, or their legal representatives on or before the first day of March, in the year one thousand seven hundred and ninety-nine. And the Secretary of the Treasury is hereby required to cause this act to be published in one or more of the public papers of each state.

APPROVED, July 9, 1798.

STATUTE II.

July 9, 1798.

[Obsolete.]
1813, ch. 36.

CHAP. LXX.—*An Act to provide for the valuation of Lands and Dwelling-Houses, and the enumeration of Slaves within the United States.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the

(a) The acts of Congress relating to the assessment of lands, &c., and slaves, for direct taxes, have been: An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves

purpose of making the valuations and enumerations herein after directed, there shall be, and are hereby designated and established, the following divisions, to wit:

Divisions designated in—

The state of New Hampshire shall contain five divisions, as follow: The first division to consist of the county of Rockingham; the second division to consist of the county of Strafford; the third division to consist of the county of Hillsborough; the fourth division to consist of the county of Cheshire; and the fifth division to consist of the county of Grafton.

New Hampshire,

The state of Massachusetts shall contain nine divisions, as follow: The first division to consist of the counties of Hancock, Washington and Lincoln; the second division to consist of the counties of York and Cumberland; the third division to consist of the county of Essex; the fourth division to consist of the counties of Suffolk and Norfolk; the fifth division to consist of the county of Middlesex; the sixth division to consist of the counties of Bristol, Plymouth, Barnstable, Duke's county and Nantucket; the seventh division to consist of the county of Worcester; the eighth division to consist of the county of Hampshire; and the ninth division to consist of the county of Berkshire.

Massachusetts,

The state of Rhode Island shall contain three divisions, as follow: The first division to consist of the counties of Newport and Bristol; the second division to consist of the counties of Washington and Kent; and the third division to consist of the county of Providence.

Rhode Island,

The state of Connecticut shall contain five divisions, as follow: The first division to consist of the counties of Hartford and Tolland; the second division to consist of the counties of New Haven and Middlesex; the third division to consist of the counties of New London and Windham, the fourth division to consist of the county of Fairfield; and the fifth division to consist of the county of Litchfield.

Connecticut,

The state of Vermont shall contain five divisions, as follow: The first division to consist of the counties of Windham and Windsor; the second division to consist of the counties of Bennington and Rutland; the third division to consist of the counties of Orange and Caledonia; the fourth division to consist of the counties of Addison and Chittenden; and the fifth division to consist of the counties of Franklin, Orleans and Essex.

Vermont,

The state of New York shall contain nine divisions, as follow: The first division to consist of the counties of Suffolk, Queen's, King's and Richmond; the second division to consist of the city and county of

New York,

within the United States, July 9, 1799, chap. 70; an act to amend the act entitled, "An act to provide for the valuation of lands and dwelling-houses, and for enumeration of slaves within the United States," February 28, 1799, chap. 20; an act supplementary to the act entitled, "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," January 2, 1800, chap. 3; an act to provide for equalizing the valuations of unseated lands, May 10, 1800, chap. 53; an act to enlarge the powers of surveyors of the revenue, May 13, 1800, chap. 60; an act to provide for completing the valuation of lands and dwelling-houses, and the enumeration of slaves in South Carolina, and for other purposes, January 30, 1806, chap. 11; an act for the assessment and collection of direct taxes, and internal duties, July 22, 1813, chap. 16; an act to provide additional revenues for defraying the expenses of government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same, January 9, 1815, chap. 21; an act to fix the compensation, and to increase the responsibility of the collectors of the direct tax and internal duties, and for other purposes connected with the collection thereof, March 3, 1815, chap. 99; an act to amend the act entitled, "An act to provide additional revenues for the expenses of the government and maintaining the public credit, by laying a direct tax on the United States, and to provide for collecting and assessing the same," &c., March 3, 1815, chap. 90; an act to fix the commissions of the collectors of the direct tax and internal duties, and to revive and continue in force "an act to provide for the collection of duties on imports and tonnage," April 27, 1816, chap. 110; an act relating to the assessment and collection of the direct tax, March 3, 1817, chap. 103; an act supplementary to the several acts relative to direct taxes and internal duties, April 20, 1818, chap. 78; an act extending the time allowed for the redemption of land sold for direct taxes, in certain cases, May 11, 1820; an act for reviving and extending the time allowed for the redemption of land sold for direct taxes in certain cases, February 4, 1822, chap. 4; an act to extend the time for the redemption of land sold for direct taxes in certain cases, March 3, 1823, chap. 45; an act to extend the time allowed for the redemption of land sold for direct taxes in certain cases, May 16, 1826, chap. 59; an act to extend the time allowed for the redemption of land sold for direct taxes in certain cases, April 28, 1828, chap. 39; an act of March 5, 1816, chap. 24.

New York; the third division to consist of the counties of West Chester, Rockland, Orange and Ulster; the fourth division to consist of the counties of Dutchess and Columbia; the fifth division to consist of the counties of Rensselaer and Schoharie, and the city and county of Albany; the sixth division to consist of the counties of Washington, Clinton and Saratoga; the seventh division to consist of the counties of Montgomery, Oneida and Herkemer; the eighth division to consist of the counties of Delaware, Otsego and Chenango; and the ninth division to consist of the counties of Tioga, Onandago, Steuben and Ontario.

New Jersey,

The state of New Jersey shall contain five divisions, as follow: The first division to consist of the counties of Bergen, Essex and Middlesex; the second division to consist of the counties of Sussex and Morris; the third division to consist of the counties of Hunterdon and Somerset; the fourth division to consist of the counties of Burlington and Monmouth; and the fifth division to consist of the counties of Gloucester, Cumberland, Salem and Cape May.

Pennsylvania,

The state of Pennsylvania shall contain nine divisions, as follow: The first division to consist of the city and county of Philadelphia; the second division to consist of the counties of Delaware, Chester and Lancaster; the third division to consist of the counties of Montgomery and Bucks; the fourth division to consist of the counties of Berks and Dauphin; the fifth division to consist of the counties of Northampton, Wayne and Luzerne; the sixth division to consist of the counties of York, Cumberland and Franklin; the seventh division to consist of the counties of Northumberland, Lycoming and Mifflin; the eighth division to consist of the counties of Bedford, Somerset and Huntingdon; and the ninth division to consist of the counties of Westmoreland, Allegheny, Washington, Greene and Fayette.

Delaware,

The state of Delaware shall contain three divisions, as follow: The first division to consist of the county of New Castle; the second division to consist of the county of Kent; and the third division to consist of the county of Sussex.

Maryland,

The state of Maryland shall contain seven divisions, as follow: The first division to consist of the counties of St. Mary's, Charles and Calvert; the second division to consist of the counties of Montgomery and Prince George's (including the city of Washington); the third division to consist of the counties of Anne Arundel (including the city of Annapolis) and Baltimore (including the city of Baltimore); the fourth division to consist of the counties of Washington, Frederick and Allegany; the fifth division to consist of the counties of Harford, Cecil and Kent; the sixth division to consist of the counties of Queen Anne's, Caroline and Talbot; and the seventh division to consist of the counties of Somerset, Dorchester and Worcester.

Virginia,

The state of Virginia shall contain eleven divisions, as follow: The first division to consist of the counties of Frederick, Berkeley, Shenandoah, Rockingham, Augusta, Rockbridge, Bath and Botetourt; the second division to consist of the counties of Hampshire, Brooke, Hardy, Pendleton, Harrison, Monongalia, Ohio and Randolph; the third division to consist of the counties of Greenbrier, Kenhawa, Montgomery, Wythe, Grayson, Washington, Russell and Lee; the fourth division to consist of the counties of Patrick, Franklin, Henry, Bedford, Pittsylvania, Campbell and Halifax; the fifth division to consist of the counties of Charlotte, Prince Edward, Buckingham, Cumberland, Powhatan, Amelia, Nottaway, Lunenburg and Mecklenburg; the sixth division to consist of the counties of Chesterfield, Dinwiddie, Brunswick, Greenville, Sussex and Prince George; the seventh division to consist of the counties of Surry, Southampton, Isle of Wight, Nansemond, Norfolk and Princess Anne; the eighth division to consist of the counties of Hanover, Henrico, New Kent, Charles city, James city, Matthews,

Gloucester, York, Warwick, Elizabeth city, Accomack and North Hampton; the ninth division to consist of the counties of Caroline, King and Queen, Essex, King William, Middlesex, Lancaster, Northampton, Richmond, Westmoreland and King George; the tenth division to consist of the counties of Stafford, Culpepper, Fairfax, Fauquier, Loudoun and Prince William; and the eleventh division to consist of the counties of Spottsylvania, Orange, Madison, Louisa, Fluvanna, Goochland, Albemarle and Amherst.

The state of Kentucky shall contain five divisions, as follow: The first division to consist of the counties of Madison, Lincoln, Garrard, Mercer, Washington, and that part of the county of Franklin which lies on the south side of the Kentucky river; the second division to consist of the counties of Nelson, Shelby, Jefferson, Bullitt and Hardin; the third division to consist of the counties of Green, Logan, Christian and Warren; the fourth division to consist of the counties of Mason, Fleming, Bracken, Campbell, Harrison and Bourbon; and the fifth division to consist of the counties of Fayette, Woodford, Scott, Clark, Montgomery, and that part of Franklin county which lies on the north side of the Kentucky river.

Kentucky,

The state of North Carolina shall contain seven divisions, as follow: The first division to consist of Edenton district; the second division to consist of Newbern district; the third division to consist of Halifax district; the fourth division to consist of Hillsborough district; the fifth division to consist of Salisbury district; the sixth division to consist of Morgan district; and the seventh division to consist of Wilmington and Fayette districts.

North Carolina,

The state of Tennessee shall contain three divisions, as follow: The first division to consist of the district of Washington; the second division to consist of the district of Hamilton; and the third division to consist of the district of Mero.

Tennessee,

The state of South Carolina shall contain five divisions, as follow: The first division to consist of the districts of Charleston and Georgetown; the second division to consist of the districts of Cambden and Cheraw; the third division to consist of the districts of Pinckney and Washington; the fourth division to consist of the district of Ninety-six; and the fifth division to consist of the districts of Orangeburg and Beaufort.

South Carolina,

The state of Georgia shall contain three divisions, as follow: The first division to consist of the counties of Chatham, Bryan, Liberty, McIntosh, Glynn, Cambden and Effingham; the second division to consist of the counties of Washington, Montgomery, Scriven, Burke, Richmond, Jefferson, Warren and Columbia; and the third division to consist of the counties of Hancock, Wilkes, Green, Elbert, Oglethorpe, Jackson, and Franklin.

Georgia.

And where any new county shall have been, or hereafter may be formed, within any state, out of any one or more of the counties composing any one of the aforesaid divisions, such new county shall be considered as part of such division; and if such new county shall have been, or hereafter shall be formed out of counties lying in different divisions, then the commissioners to be appointed in pursuance of this act, shall determine to which of such divisions it shall belong.

To what division new counties shall belong.

SEC. 2. *And be it further enacted*, That the said commissioners shall, before they enter on the discharge of the duties enjoined by this act, take and subscribe, before some competent magistrate, an oath or affirmation, truly, faithfully and impartially to discharge their trust; in default of taking which oath or affirmation, before entering on the discharge of the duties aforesaid, the party failing shall forfeit and pay two hundred dollars for the use of the United States, to be recovered in any court having competent jurisdiction, with costs of suit.

Commissioners to take an oath or affirmation,

One commissioner to be appointed for each division—they may be appointed in the recess.

Commissioners for each state to convene in a general meeting.

They may appoint a clerk—

his duty:

he shall take an oath, &c.

Penalty on the non attendance of commissioners at a general meeting, if not excused.

They may divide their states into assessment districts, and appoint assessors.

SEC. 3. *And be it further enacted*, That there shall be one commissioner appointed for each of said divisions, who shall reside within the same; and if the appointment of said commissioners, or any number of them, shall not be made during the present session of Congress, the President of the United States shall be, and he is hereby empowered to make such appointment during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 4. *And be it further enacted*, That the commissioners for each state shall, immediately, or as soon as may be, after their appointment, convene in a general meeting, at such time and place as shall be appointed and directed by the commissioner for each state, first named and qualified, according to this act; and a majority of the commissioners so convened, shall have power to adjourn to such time and place as they shall judge proper: and a majority of the commissioners to be appointed in each state according to this act, when convened according to rules to be adopted at their first meeting, shall, and are hereby declared to be a board competent to transact and discharge any business or duties enjoined by this act.

SEC. 5. *And be it further enacted*, That the said commissioners, when convened as aforesaid, shall and may appoint a suitable person to be their clerk, who shall hold his office at the pleasure of the said commissioners; whose duty it shall be to record and preserve all rules, proceedings and documents of the said commissioners, and who shall take an oath or affirmation, diligently and faithfully to discharge his trust; which oath or affirmation, either of the said commissioners is hereby authorized to administer; and in default of taking such oath or affirmation, previous to entering on the duties of the said appointment, or on failure to record diligently and truly, all or any rules or proceedings of the said commissioners, or to furnish transcripts or copies thereof, when directed by the said commissioners, or required by the Secretary of the Treasury, in writing, such clerk shall be discharged from office, and shall forfeit and pay one hundred dollars, to be recovered for the use of the United States, with costs of suit, in any court having competent jurisdiction.

SEC. 6. *And be it further enacted*, That it shall be the duty of the said commissioners, to cause to be recorded and noted, the names of such of the said commissioners as shall attend any general meeting, as also the periods of their attendance, respectively; and if any commissioner shall fail to attend such general meeting, and shall not transmit or cause to be transmitted to the said commissioners, at their said meeting, or that next subsequently holden, an excuse for such absence, which shall, by a majority of the commissioners then present, be accepted as satisfactory and reasonable, such commissioner so failing, as aforesaid, shall, for every day which he may be absent, during such meeting, forfeit and pay ten dollars, to be recovered for the use of the United States, with costs of suit, in any court having competent jurisdiction; or to be deducted from the compensation as hereafter established for the said commissioner: and a transcript from the records of the said commissioners, certified by their clerk, by which it shall appear that any commissioner has failed to attend a general meeting, and to transmit, or cause to be transmitted, an excuse, which shall have been accepted as satisfactory and reasonable, as aforesaid, shall and the same is hereby declared to be conclusive and legal evidence that the penalty aforesaid has been incurred.

SEC. 7. *And be it further enacted*, That the commissioners for each state, convened as aforesaid, shall be, and hereby are authorized and empowered to divide their respective states into a suitable and convenient number of assessment districts, within each of which they shall appoint one respectable freeholder to be principal assessor, and such number of respectable freeholders to be assistant assessors, as they shall

judge necessary for carrying this act into effect: *Provided*, that the Secretary of the Treasury shall be, and hereby is authorized to reduce the number of assessment districts in any state, or the number of assistant assessors in any district, if either shall appear to him to be too great: and each assessor, so appointed, and accepting the appointment, shall, before he enters on the duties of his appointment, take and subscribe, before some competent magistrate, or some commissioner to be appointed by virtue of this act, the following oath or affirmation, *to wit*: I, A. B. do swear or affirm, that I will, to the best of my knowledge, skill and judgment, diligently and faithfully execute the office and duties of assessor for *(naming the assessment district)* without favor or partiality, and that I will do equal right and justice in every case in which I shall act as assessor: and a certificate of such oath or affirmation shall be delivered to the commissioner of the district for which such assessor shall have been appointed; and every assessor, acting in his said office, without having taken the said oath or affirmation, shall forfeit and pay for the use of the United States, one hundred dollars, to be recovered with costs of suit, in any court having competent jurisdiction.

Proviso.

Assessors to take an oath.

SEC. 8. *And be it further enacted*, That the commissioners for each state, convened, as aforesaid, shall be, and hereby are authorized and required to establish all such regulations, as to them, or a majority of them, shall appear suitable and necessary, for carrying this act into effect; which regulations shall be binding on each commissioner and assessor, in the performance of the duties enjoined by, or under this act; and also to frame instructions for the said assessors, informing them, and each of them, of the duties to be by them respectively performed under this act: Pursuant to which regulations and instructions, the said commissioners shall, jointly or severally, direct and cause the said assessors, and each of them, to inquire after and concerning all lands, dwelling-houses and slaves in their respective assessment districts, by reference to any records or documents, and to any lists of assessment taken under the laws of their respective states, and by all other lawful ways and means; and to value and enumerate the said dwelling-houses, lands and slaves in the manner following, to wit: Every dwelling-house above the value of one hundred dollars, with the out-houses thereto appurtenant, and the lot on which such dwelling-house and out-houses are erected, not exceeding two acres, in any case, shall be valued at the rate such dwelling-house, with the lot and appurtenances aforesaid, are worth in money with a due regard to situation.—All lands and town lots, except lots on which dwelling-houses above the value of one hundred dollars, with their appurtenances, are erected as aforesaid, shall be valued by the quantity, either in acres, or square feet, as the case may be, at the average rate which each separate and entire tract or lot is worth in money, in a due relation to other lands and lots, and with reference to all advantages, either of soil or situation, and to all buildings and other improvements of whatever kind, except dwelling-houses above the value of one hundred dollars, and the out-houses appurtenant thereto.—And all slaves, whether negroes, mulattoes or mestizoes, above the age of twelve, and under the age of fifty years, shall be enumerated in the assessment district in which they may, respectively, be kept or employed, at the time of the enumeration, except such as from fixed infirmity, or bodily disability, may be incapable of labor: *Provided*, that all property, of whatever kind, coming within any of the foregoing descriptions, and belonging to the United States, or any state, or permanently exempted from taxation by the laws of the state wherein the same may be situated or possessed, shall be exempted from the aforesaid valuation and enumeration.

Commissioners for each state shall establish regulations, &c.

Frame instructions for assessors and direct them to inquire after all lands, houses and slaves.

and value and enumerate them.

Exemption of certain property.

SEC. 9. *And be it further enacted*, That for the purpose of making the aforesaid valuations and enumerations, the assessors to be appointed

Assessors shall distribute their districts into divisions, proceed through the same and require lists of lands, &c. to be delivered.

Form of the lists.

in each assessment district, in pursuance of this act, shall be, and hereby are authorized and required to distribute their respective assessment districts, by mutual agreement, into such number of divisions as they shall deem convenient, not exceeding the number of assistant assessors appointed for each district; after which, they shall, severally, proceed, without delay, through their respective divisions, and in general through every part of their respective assessment districts, and shall require all persons owning or possessing any dwelling-houses, lands or slaves, or having the care or management thereof, to deliver separate written lists, specifying in one list, the dwelling-houses; in another, the lands; and in a third, the slaves, owned, possessed, or superintended by them respectively, in each and every assessment district of the state, or of any other state, designating the state, county, parish, township or town, as the case may be, where the property lies; and making separate lists, as aforesaid, for the property in each: and the said lists shall specify in respect to dwelling-houses, their situation, their dimensions or area, their number of stories, the number and dimensions of their windows, the materials whereof they are built, whether wood, brick or stone, the number, description and dimensions of the out-houses appurtenant to them, and the names of their owners or occupants: And in respect to lands, the said lists shall specify the quantity of each separate tract or lot, the number, description and dimensions of all wharves and buildings thereon, except dwelling-houses above the value of one hundred dollars, and the out-houses appurtenant thereto; the name of the owner or occupant; and the quantity of land which such owner or occupant may claim, as entitled to exemption under this act, with the circumstances whereon the claim rests; and in respect to slaves, the said lists shall specify the number above the age of twelve, and under the age of fifty years, owned or possessed by, or under the care of each person, with the name of such person.

Assessors may make lists in certain cases.

SEC. 10. *And be it further enacted*, That if any person, as aforesaid, shall not be prepared to exhibit a written list, when required, and shall consent to disclose the particulars of any and all lands, dwelling-houses and slaves as aforesaid, then and in such case it shall be the duty of the assessor to make such list, which being distinctly read and consented to, shall be received as the list of such person.

Penalty on delivering or disclosing a fraudulent list.

SEC. 11. *And be it further enacted*, That if any person shall deliver or disclose to any assessor, appointed in pursuance of this act, and requiring a list or lists, as aforesaid, any false or fraudulent list, with intent to defeat or evade the valuation or enumeration hereby directed to be made, such person so offending, and being thereof convicted before any court having competent jurisdiction, shall be fined in a sum not exceeding five hundred dollars, nor less than one hundred dollars, at the discretion of the court, and shall pay all costs and charges of prosecution: And the valuation and enumeration of such person's property, shall in all such cases, be made as aforesaid, upon lists, according to the form above described, to be made out by the assessors, respectively; which lists the said assessors are hereby authorized and required to make, according to the best information they can obtain, and for the purpose of making which, they are hereby authorized to enter into and upon all and singular the premises respectively, and from the valuations and enumerations so made, there shall be no appeal.

How the assessors shall proceed in such case.

Lists to be taken with reference to the 1st Oct. 1798, and transmitted to the principal assessors.

SEC. 12. *And be it further enacted*, That the lists aforesaid shall be taken with reference to the first day of October next; and the commissioners aforesaid shall prescribe a time to the assessors of assessment districts, within which time the said lists shall be taken and delivered to the principal assessor, to be named for that purpose, in each assessment district; which time shall not be more than thirty days from the time of receiving their precepts or warrants. And all lists of property, taken

with reference to any other assessment district, than that in which the owner or possessor resides, shall be immediately transmitted to the commissioner superintending the district, and from him to the principal assessor of the district within which such property is situated.

SEC. 13. *And be it further enacted*, That in case any person shall be absent from his place of residence, at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor to leave at the house or place of residence of such person, a written note or memorandum, requiring him to present to such assessor the list or lists required by this act, within ten days from the date of such note or memorandum.

Note to be left, requiring absentees from their residence to present their lists.

SEC. 14. *And be it further enacted*, That if any person, on being required or notified as aforesaid, shall refuse or neglect to give such list or lists, as aforesaid, within the time required by this act, it shall be the duty of the assessors for the assessment district, within which such person shall reside, or of some two or more of them, and they, or some two or more of them, are hereby authorized and required, to enter into and upon the lands, dwelling-houses and premises of such person so neglecting or refusing, and to make, according to the best information which they can obtain, and on their own view, such list or lists of the lands, dwelling-houses and slaves of such person, as are required by this act; which lists, so made and subscribed, by such assessors, shall be taken and reputed as good and sufficient lists of the lands, dwelling-houses and slaves of such person, under and for the purposes of this act: And the person so failing or neglecting, unless in case of sickness, or absence from home, for the whole period from the leaving of such notification to the expiration of the said ten days, shall, moreover, forfeit and pay the sum of one hundred dollars, to be recovered, with costs of suit, in any court having competent jurisdiction; one moiety to the use of the assessors for the assessment district in which such person shall reside, and the other moiety to the use of the United States.

How to proceed when persons refuse or neglect to give lists.

Penalty on such refusal or neglect.

SEC. 15. *And be it further enacted*, That whenever there shall be, in any assessment district, any dwelling-houses, lands or slaves, not owned or possessed by any person or persons within such district, and no list of which shall be transmitted to the principal assessor of such district, in the manner provided by this act, it shall be the duty of the assessors for such district, or some one or more of them, and they, or some one or more of them, are hereby authorized and required to enter into and upon all such dwelling-houses, lands and lots, and to make lists of the same respectively, after the form prescribed by this act, and also to make lists of all slaves as aforesaid; which lists, being subscribed by the said assessor, or assessors, shall be taken and reputed as good and sufficient lists of such lands, dwelling-houses and slaves, under and for the purposes of this act.

How to proceed where dwelling-houses &c. are not possessed by any person within the assessment district, and no list is rendered.

SEC. 16. *And be it further enacted*, That the assessors, after collecting the said lists of lands, dwelling-houses and slaves, shall proceed to value and assess the same, in a just proportion, according to this act, and shall arrange and class the said lands, dwelling-houses and slaves, in three general lists; the first of which lists shall exhibit, in alphabetical order, the names of all proprietors and possessors, where known, of lots and tracts of land in such assessment district, with the quantity and valuation of each lot and tract, and the whole valuation of the lands belonging to, or possessed by any one person; the second list shall exhibit, in alphabetical order, the names of all proprietors and possessors of dwelling-houses above the value of one hundred dollars, with the description and valuation of each dwelling-house, and the appurtenances, and the quantity of land valued therewith, according to this act; and the third list shall exhibit, in alphabetical order, the names of all persons owning, possessing, or having the care of any slaves, with the number

After collecting lists the assessors shall value and assess the lands, &c. and arrange and class them in three lists.

of slaves, as aforesaid, owned by, or under the care of each person: And the forms of the said lists shall be devised and prescribed by the department of the treasury.

Penalty on assessor failing to perform his duty.

SEC. 17. *And be it further enacted*, That if any assessor shall fail to perform any duty assigned by this act, within the time prescribed in his precept, warrant or other legal instructions, not being prevented therefrom by sickness, or other unavoidable accident, every such assessor shall be discharged from office, and shall moreover forfeit and pay two hundred dollars, to be recovered for the use of the United States, in any court having competent jurisdiction, with costs of suit.

Principal assessor to give notice of valuations and enumerations, and that appeals will be received.

SEC. 18. *And be it further enacted*, That immediately after the valuations and enumerations shall have been completed, as aforesaid, the principal assessor in each assessment district, shall, by written notifications, to be publicly posted up, in at least four of the most public places in such district, advertise all persons concerned, of the place where the said lists, valuations and enumerations may be seen and examined; and that during fifteen days after the publication of the notifications, as aforesaid, appeals will be received and determined by him, relative to any erroneous or excessive valuations or enumerations by the assessor.

Principal assessor to submit the proceedings and lists of the assessors to inspection and to hear appeals.

SEC. 19. *And be it further enacted*, That it shall be the duty of the principal assessor, in each assessment district, during fifteen days after the date of public notification, to be made as aforesaid, to submit the proceedings of the assessors, and the lists by them received or taken, as aforesaid, to the inspection of any and all persons who shall apply for that purpose: And the said principal assessors are hereby authorized to receive, hear and determine, in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors: *Provided always*, that the question to be determined by the principal assessor, on an appeal respecting the valuation of any lands or dwelling-houses, shall be, whether the valuation complained of be, or be not, in a just relation or proportion to other valuations in the same assessment district.

Manner of making appeals.

SEC. 20. *And be it further enacted*, That all appeals to the principal assessors, as aforesaid, shall be made in writing, and shall specify the particular cause, matter or thing, respecting which a decision is requested, and shall moreover state the ground or principle of inequality or error complained of, by reference to some one or more valuations of lands or dwelling-houses in the same assessment district; and in all cases to which reference may be made in any appeal, as aforesaid, the principal assessor shall have power to re-examine and equalize the valuations as shall appear just and equitable; but no valuation shall be increased, without a previous notice of at least five days to the party interested, to appear and object to the same, if he judge proper; which notice shall be given by a note in writing, to be left at the dwelling of the party, by such assessor as the principal assessor shall designate for that purpose.

Principal assessor may equalize the valuations; but they shall not be increased without notice to the party.

After the expiration of the time for appeals the assessors shall transmit copies of their lists and abstracts of their proceedings to the commissioners.

SEC. 21. *And be it further enacted*, That immediately after the expiration of the time for receiving, hearing and deciding on appeals, and within such period as shall be prescribed by the commissioners aforesaid, the principal assessor and other assessors of each assessment district, shall make out, subscribe, and transmit to the commissioner superintending the district, exact copies, certified under their hands, of all lists respectively taken by them or either of them, as aforesaid, together with three abstracts of their proceedings; one of which abstracts shall exhibit a summary view of the valuations of all lands; and another abstract shall exhibit a summary view of the valuations of all dwelling-houses; and a third abstract shall exhibit a summary view of the enumeration of all slaves, as aforesaid, in each district; the forms of which abstracts shall be established and prescribed by the department of the treasury.

SEC. 22. *And be it further enacted,* That the commissioners, as aforesaid, shall have power, on consideration and examination of the abstracts to be rendered by the assessors, as aforesaid, and of the lists aforesaid, to revise, adjust and vary, the valuations of lands and dwelling-houses in any assessment district, by adding thereto, or deducting therefrom, such a rate per centum, as shall appear to be just and equitable: *Provided,* that the relative valuations of the different lots or tracts of land, or dwelling-houses, in the same assessment district, shall not be changed or affected: *Provided, nevertheless,* that if manifest error or imperfection shall appear in any of the said abstracts, the commissioners shall and may require of the assessors, that the said abstracts be explained and corrected, and shall and may remove from office, any and all of the said assessors, and otherwise proceed against them according to this act; and if necessary, in the opinion of a majority of the commissioners, convened in a general meeting, a new valuation may be directed, and after such valuations shall have been completed and confirmed, in the manner prescribed by this act, the said commissioners shall cause the aforesaid abstracts and lists to be transmitted to the Secretary of the Treasury; in default of which, they shall severally forfeit and pay, for the use of the United States, two hundred dollars, to be recovered with costs of suit, in any court having competent jurisdiction.

SEC. 23. *And be it further enacted,* That the said commissioners, as aforesaid, shall and may direct the principal assessors of each assessment district, to register and record the lists, valuations and enumerations made by the assessors, as aforesaid; and to add to, or deduct from the valuations of the lands and dwelling-houses of each individual, such a rate per centum, as shall be determined by the commissioners, as aforesaid.

SEC. 24. *And be it further enacted,* That after the valuations, enumerations, and records thereof, shall have been completed, according to this act, it shall be lawful for the supervisors of districts comprehending but one survey of inspection, and the inspectors of surveys in districts comprehending more than one survey of inspection, with the concurrence of the supervisors of such districts, to depute one skilful and fit person, in each assessment district, to be surveyor of the revenue; and every surveyor of the revenue, so appointed, shall give bond, with surety, in a sum not less than five hundred nor more than two thousand dollars, for the diligent and faithful execution of his office, and shall take and subscribe an oath or affirmation, truly, faithfully and impartially to discharge the duties enjoined by this act; and a certificate of the said oath or affirmation, with the said bond, shall be transmitted to, and lodged in the office of the supervisor of the district.

SEC. 25. *And be it further enacted,* That it shall be the duty of the surveyors of the revenue to receive and safely preserve the records of the lists, valuations and enumerations herein before mentioned; and the said surveyors shall keep true and exact accounts of the valuation of the lands and dwelling-houses belonging to each and every individual, distinguishing each tract, lot and dwelling-house. And whenever any lands or dwelling-houses, included in the said valuation, shall be alienated, or in any way transferred, it shall be the duty of the surveyor of the revenue for the district, if a dwelling-house, or an entire tract or lot has been alienated, to charge the amount of the valuation thereon, to an account with the purchaser, and to credit the account of the person disposing of the same; and whenever a tract of land, lot, or dwelling-house, shall be divided by sale or partition, the said surveyor shall by entry and view of the said land or dwelling-house, or by other lawful ways and means, inform himself of the relative value of the different parts of the original tract or lot, or dwelling-house so divided, and shall apportion the value of the entire tract or lot, or dwelling-house, as shall be just

The commissioners may revise the valuations.

Relative valuations not to be changed.

If manifest error, &c. appear in the abstracts they may require the assessors to correct them, &c.

Abstracts and lists to be transmitted to the Treasury.

The commissioners shall and may direct the principal assessors to record the lists, &c. and add to or deduct from the valuations.

Supervisors and inspectors to depute a person in each assessment district to be surveyor of the revenue.

Surveyors of the revenue to receive the records of the lists, &c.

Their duty on sale or division of lands, &c.

On the erection of new dwelling-houses, &c. or the ceasing of property to be exempted from taxation, under the state laws ;

and on a house being destroyed or damaged by accident.

Proviso.

On receiving warrants, surveyors of the revenue shall enumerate slaves, report the number and value of houses, &c.

They shall submit their books, &c. to inspection, and grant copies.

Compensations.

To commissioners.

To clerks.

To assistant assessors.

To principal assessors.

Charges for books and stationery.

and equitable; and shall enter and record the same, in manner aforesaid. And whenever, and so often as a new dwelling-house shall be erected and inhabited, after the first day of October next, or any dwelling-houses or lands, which, at the time of making the said valuation, shall be exempted from taxation by the laws of the state where the same shall be situated, shall cease to be so exempted, the said surveyors shall and may, in their respective districts, proceed to value and assess the same, in like manner, and on the principles herein before prescribed, in respect to valuations of dwelling-houses and lands, and shall add the same to the valuations to be made by assessors, as aforesaid. And whenever, and so often as any dwelling-house shall be destroyed or damaged, by fire, or other accident, it shall be lawful for the surveyors to cancel the valuations thereon, if such house be wholly destroyed; or if such house be merely damaged or impaired, to reduce the valuation thereon, to such sum as shall be just and equitable: *Provided*, that no change of the valuation of any dwelling-house, shall be valid, until the same shall have been approved by the inspector of the survey, or the supervisor of the district, if comprehending but one survey of inspection.

SEC. 26. *And be it further enacted*, That it shall be the duty of the surveyors of the revenue, whenever they shall receive precepts or warrants for that purpose, from the inspectors of surveys, or the supervisors of districts comprehending but one survey of inspection, to enumerate any and all slaves in their respective districts above the age of twelve and under the age of fifty years, except such as from fixed infirmity, or bodily disability, may be incapable of labour, as aforesaid, and to report the number thereof, as also the number of houses, with the valuations thereof, respectively, and the valuation of any and all lands, and also to compute and state the taxes which may be due and payable by each and every individual; and to deliver true and correct lists thereof, to the persons who may be appointed to receive the same.

SEC. 27. *And be it further enacted*, That the said surveyors of the revenue shall, at all times, submit the inspection of their books and records, to the supervisors and inspectors of the internal revenues of the United States, or to any person authorized and deputed by the Secretary of the Treasury, for that purpose; and shall, moreover, grant and certify copies or transcripts therefrom, to any persons who shall apply for the same, and who shall previously tender or pay the fees hereafter allowed and established therefor.

SEC. 28. *And be it further enacted*, That the following compensations shall be allowed to the commissioners, clerks and assessors aforesaid, for services to be performed under this act.

To each commissioner, one hundred and fifty dollars, in addition to an allowance of three dollars per diem, for each and every day, in going to, attending at, and returning from any general meeting of the said commissioners, or in visiting the several assessment districts, in pursuance of any resolution of the said commissioners.

To each clerk of the commissioners, a compensation for the time they may be employed, not exceeding the rate of five hundred dollars per annum.

To each assessor, other than principal assessors, one dollar and fifty cents per diem, for every day employed in collecting lists; and also one dollar per diem for every day employed in arranging the said lists, and making the valuations and enumerations.

To each principal assessor, one dollar and fifty cents for every day employed in receiving and arranging lists, and hearing appeals, and in recording the lists, valuations and enumerations aforesaid, and corresponding with commissioners: and in addition to the said allowances and compensations, the said commissioners and assessors shall be allowed their necessary and reasonable charges for books and stationery: and

the accounts of the assessors shall be certified by, and presented to the commissioners, in the name of the principal assessor of each assessment district, who shall be responsible to the other assessors. And the accounts of the assessors and commissioners in each state, shall be presented at the treasury, for adjustment, in the name of some one of the commissioners, to be designated for that purpose, by the other commissioners, who shall distribute the sums payable to the principal assessors, aforesaid: *Provided*, that no allowance shall be made to the assessors, other than for the expense of books and stationery, until it shall be ascertained and certified to the satisfaction of the commissioners, that the services directed by this act have been performed. And all letters or packets to or from any commissioner, appointed under this act, shall, within the limits of the state for which such commissioner is appointed, be conveyed by post, free of postage.

SEC. 29. *And be it further enacted*, That the surveyors of the revenue shall be allowed the following compensations, for services to be performed under this act: For recording each and every transfer of the valuation of every entire tract of land, or dwelling-house, twelve and an half cents: For apportioning each and every valuation of a tract of land, lot or dwelling-house, and recording the same, in consequence of any division or partition thereof, fifty cents for every division of the original tract, lot or dwelling-house: For viewing each and every dwelling-house, in consequence of an application for the reduction of a valuation, and for recording the proceedings thereon, one dollar: For every official certificate, except such as may be required by the treasury department, or the supervisors, inspectors or collectors of the revenue, twenty-five cents. And the compensations aforesaid shall be paid by the party or parties applying for such reduction, record, exoneration, or apportionment.

SEC. 30. *And be it further enacted*, That for the purpose of defraying the expenses incident to the valuations and enumerations directed by this act, there be appropriated the sum of one hundred and fifty thousand dollars, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, July 9, 1798.

How accounts are to be presented.

No allowance to be made to assessors until, &c.

Letters, &c. to and from commissioners free, &c.

Compensation to surveyors of the revenue.

Appropriation for the objects of the act.

STATUTE II.

July 11, 1798.

[Repealed.]

CHAP. LXXI.—*An Act to regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to insure more effectually the settlement of their accounts.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in lieu of the compensations now established, there shall, from and after the first day of July, instant, be allowed, for the collection of the internal duties which have heretofore been imposed by law, the respective compensations following, to wit:

To the supervisor of the district of Virginia, an annual salary of one thousand three hundred and fifty dollars.

To the supervisor of the district of Pennsylvania, an annual salary of one thousand two hundred dollars.

To each of the supervisors of Massachusetts, New York, Maryland, North Carolina, and South Carolina, an annual salary of one thousand dollars.

To each of the supervisors of Connecticut and Ohio, an annual salary of seven hundred dollars.

To each of the supervisors of Rhode Island and New Jersey, an annual salary of six hundred dollars.

To each of the supervisors of New Hampshire, Vermont, Delaware, Tennessee, and Georgia, an annual salary of five hundred dollars.

Allowances, in lieu of the former, to supervisors.

1791, ch. 15.

1802, ch. 19.

1815, ch. 9.

Allowance
for clerk hire.

SEC. 2. *And be it further enacted*, That the following sums shall be allowed to the supervisors for clerk hire, in their respective offices, to wit :

To the supervisors of Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, eight hundred dollars per annum, each.

To the supervisors of New Hampshire, Rhode Island, Connecticut, New Jersey, and Georgia, four hundred dollars per annum, each.

To the supervisors of Vermont, Delaware, Ohio and Tennessee, three hundred dollars per annum, each.

Commissions
allowed to the
supervisors.

SEC. 3. *And be it further enacted*, That the supervisors shall, severally, be allowed, in addition to the salaries aforesaid, the same commissions on the product of all the internal duties heretofore imposed and collected in their respective districts, as have been heretofore allowed under the authority of the President of the United States.

Annual salary
to inspectors of
surveys.

SEC. 4. *And be it further enacted*, That the inspectors of surveys now established under the authority of the President of the United States, in the several districts, not being also supervisors, shall each be allowed an annual salary of five hundred dollars.

Allowance to
inspectors for
clerk hire.

SEC. 5. *And be it further enacted*, That each of the inspectors, not being also a supervisor, shall, in addition to the salary aforesaid, and to the commissions heretofore allowed to them by the President of the United States, be allowed two hundred dollars per annum for clerk hire in their respective offices.

Commissions
to collectors.

SEC. 6. *And be it further enacted*, That the collectors of the revenue shall be allowed a commission of six per centum on the product of all the internal duties heretofore imposed, and by them respectively received; except that in the districts of Massachusetts and Rhode Island, a commission of four per centum, only, shall be allowed to the said collectors upon the amount of duties arising from spirits distilled from foreign materials.

Annual sala-
ries to collectors
and auxiliary
officers.

SEC. 7. *And be it further enacted*, That it shall be lawful for the supervisors of districts, to apportion and allow to such of the collectors of the revenue, and auxiliary officers, as, for the execution of the public service, it shall appear to them really necessary so to compensate, yearly salaries, not exceeding the medium rate of eighty dollars to the collectors of the revenue actually employed, nor exceeding the medium rate of thirty dollars to the auxiliary officers actually employed, nor exceeding the sums following, in the respective districts, to wit: In New Hampshire, four hundred and twenty dollars; in Massachusetts, one thousand four hundred and sixty dollars; in Rhode Island, two hundred and fifty dollars; in Connecticut, six hundred dollars; in Vermont, four hundred and twenty dollars; in New York, one thousand and ninety dollars; in New Jersey, eight hundred and twenty dollars; in Pennsylvania, one thousand six hundred and ten dollars; in Delaware, three hundred and thirty dollars; in Maryland, one thousand five hundred dollars; in Virginia, four thousand six hundred and fifty dollars; in Ohio, seven hundred and ninety dollars; in Tennessee, three hundred and thirty dollars; in North Carolina, two thousand seven hundred and eighty dollars; in South Carolina, two thousand three hundred and forty dollars; and in Georgia, six hundred and sixty dollars.

Other allow-
ances to super-
visors, inspec-
tors, &c.

SEC. 8. *And be it further enacted*, That the supervisors shall be allowed, for preparing, stamping and distributing among the inspectors, one cent for every certificate to accompany foreign or domestic spirits, wines or teas, actually issued in the surveys and ports of their respective districts; that the inspectors of surveys, and such of the supervisors as perform the same duties, shall be allowed two cents and one half for each certificate signed by them and issued to accompany domestic distilled spirits, and one cent for each certificate signed by them, and issued to

accompany foreign distilled spirits; that the inspectors of the revenue for ports, shall be allowed one cent and one half, for every certificate issued in their ports, respectively, to accompany foreign distilled spirits, and two cents and one half, for every certificate to accompany wines or teas; and to the deputies of such inspectors, the sum of two cents and one half for every cask or package of foreign distilled spirits, wines or teas, by them marked, according to law, and returned to their respective principals; and for gauging wines, whereon the duties are payable according to the value thereof, six cents for every cask actually gauged, and that the collectors of the revenue shall be allowed for measuring and marking, according to law, each still under the capacity of one hundred gallons, sixty cents, and for each still of the capacity of one hundred gallons, or more, seventy-five cents, and for marking each cask of domestic distilled spirits, and for issuing and countersigning a certificate to accompany the same, two and one half cents, and for every cask which they respectively gauge or cause to be gauged, six cents.

SEC. 9. *And be it further enacted*, That it shall be lawful, this act notwithstanding, for the collectors of the revenue to demand of individuals the fee or extra compensation authorized by the seventh section of the act passed on the twenty-eighth day of May, one thousand seven hundred and ninety-six, intituled "An act laying duties upon carriages for the conveyance of persons; and repealing the former act for that purpose;" in the manner and on the conditions thereby prescribed.

SEC. 10. *And be it further enacted*, That from and after the first day of July, instant, it shall be the duty of the several officers employed or to be employed in collecting the internal revenues of the United States, to keep accurate accounts of their official emoluments and expenditures, and the same to transmit annually, on the last day of December, to the commissioner of the revenue; abstracts of which accounts shall, annually, be laid before Congress, by the Secretary of the Treasury.

SEC. 11. *And be it further enacted*, That the necessary expenses of procuring books, stationery, printed forms, certificates, and other documents, necessary for the collection of the internal revenues, shall and may be allowed to the supervisors, inspectors and collectors of the revenue, in the settlement of their accounts. And all letters and packets to and from the said supervisors and inspectors of the revenue, on business of their respective offices, shall be received and conveyed by post, free of postage.

SEC. 12. *And be it further enacted*, That the supervisors of districts, inspectors of surveys, and collectors of the revenue, shall, within three months after being thereto required, give bonds, with sureties, for the true and faithful execution of their respective offices, and settlement of their accounts, according to law, in manner following, to wit: The supervisors of Massachusetts, New York, Pennsylvania, and Virginia, in the sum of twenty-five thousand dollars, each; the supervisors of New Hampshire, Rhode Island, Connecticut, New Jersey, Maryland, North Carolina and South Carolina, in the sum of fifteen thousand dollars, each; and the supervisors of Vermont, Delaware, Ohio, Tennessee and Georgia, in the sum of ten thousand dollars, each; and the inspectors of the several surveys, in the sum of ten thousand dollars, each; which bonds shall be severally approved by the comptroller of the treasury, and shall be filed in his office, to be by him put in suit for the benefit of the United States, upon any breach of the conditions thereof; and the collectors of the revenue shall severally give like bonds, with sureties, in a sum not less than three thousand dollars; which bonds shall be approved by the supervisors of the respective districts, and shall be filed in their offices to be by them put in suit, upon any breach of the conditions thereof.

SEC. 13. *And be it further enacted*, That all suits on bonds taken in pursuance of this act, shall be instituted and determined in the man-

Fee to collectors under the act laying duties on carriages.

Ante, p. 478.

Officers employed in the collection of the internal revenues to keep accounts of their emoluments, &c.

Allowance for books, printing, &c.

Free letters.

Supervisors, inspectors and collectors to give bond.

Suits on such bonds how to be

instituted and determined.

Ante, p. 512.

What shall be evidence.

When the bonds of supervisors &c. shall be forfeited.

Judgment thereon at the return term.

Lien upon the real estate of officers of the revenue for debts due to the United States.

Mode of sale of their real estate.

Repeal of laws authorizing the President to fix or vary the compensations, &c.

ner prescribed by the act, passed on the third day of March, one thousand seven hundred and ninety-seven, intituled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money;" and in all suits instituted against an inspector of any survey, or collector of the revenue, transcripts from the books of the supervisor of the proper district, or copies of any papers or other documents relating to the accounts of such inspector or collector, duly authenticated, under the seal of the said supervisor, shall have equal validity, and be entitled to the same credit which would be due to the original papers, if produced in open court; subject nevertheless to the condition mentioned in the second section of the act above recited.

SEC. 14. *And be it further enacted*, That the bond of any supervisor or other officer of the revenue, who shall neglect or refuse, for more than six months, to make up, and render to the proper officer, his accounts of all duties collected or secured, pursuant to such forms and regulations as have been, or shall be prescribed, according to law, or to verify such accounts on oath or affirmation, if thereto required, or to pay over the monies which shall have been collected, shall be deemed forfeited, and judgment thereon shall and may be taken at the return term, on motion, to be made in open court, by the attorney of the United States, unless sufficient cause to the contrary be shown to, and allowed by the court: *Provided always*, that the writ or process, in such case, shall have been executed at least fourteen days before the return day thereof.

SEC. 15. *And be it further enacted*, That the amount of all debts due to the United States, by any supervisor or other officer of the revenue, whether secured by bond or otherwise, shall, and hereby is declared to be a lien upon the lands and real estate of such supervisor or other officer of the revenue, and their sureties, from the time when a suit shall be instituted for recovering the same; and for want of goods and chattels, or other personal effects of such supervisor, or other officer of the revenue, or their sureties, to satisfy any judgment which shall or may be recovered against them, respectively, such lands and real estates may be sold at public auction, after being advertised for at least three weeks, in not less than three public places in the proper district, survey or division, and in one newspaper printed in the county, if any there be, at least six weeks prior to the proposed time of sale; and for all lands and real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies, executed in due form of law, shall afford a valid title against all persons claiming under such supervisor, or other officer of the revenue, or their sureties, respectively.

SEC. 16. *And be it further enacted*, That from and after the said first day of July, instant, so much of any law or laws as authorizes the President of the United States to fix or vary the compensation of the officers employed in the collection of the internal revenues, or limits the yearly sums to be allowed to them, be, and the same is hereby repealed.

APPROVED, July 11, 1798.

STATUTE II.

July 11, 1798.

CHAP. LXXII.—*An Act for the establishing and organizing a Marine Corps.* (a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in addi-

(a) The acts passed by Congress relating to the marine corps, are: An act for the establishing and organizing a marine corps, June 11, 1798, chap. 72; an act authorizing an augmentation of the marine corps, March 2, 1799, chap. 37; an act authorizing an augmentation of the marine corps, March 3, 1809, chap. 33; an act authorizing an augmentation of the marine corps, and for other purposes, April 16, 1814, chap. 68; resolution in relation to the compensation of officers of the marine corps, May 29, 1830; an act concerning certain officers of the marine corps, July 14, 1832, chap. 223; resolution respecting the pay of the marine corps, May 25, 1832; an act to improve the condition of the non-commissioned officers and privates of the army and marine corps of the United States, and to prevent desertion, March 2, 1833,

tion to the present military establishment, there shall be raised and organized a corps of marines, which shall consist of one major, four captains, sixteen first lieutenants, twelve second lieutenants, forty-eight sergeants, forty-eight corporals, thirty-two drums and fifes, and seven hundred and twenty privates, including the marines who have been enlisted, or are authorized to be raised for the naval armament; and the said corps may be formed into as many companies or detachments, as the President of the United States shall direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment.

A corps of marines to be raised.

Formation of it.

Pay and subsistence.

Ante, p. 523.

President may commission officers in the recess.

Enlistments for three years, &c.

If ordered to do duty on shore, staff officers how to be appointed.

Detachments of the corps to be in lieu of the quotas established for the frigates, &c.

They shall take an oath; and how they shall be governed.

Allowance in case of wounds, &c.
Ante, p. 483.

SEC. 2. *And be it further enacted*, That the pay and subsistence of the said officers, privates and musicians, shall be as follows, to wit: To a major, fifty dollars per month, and four rations per day; to a captain, forty dollars per month, and three rations per day; to a first lieutenant, thirty dollars per month, and three rations per day; to a second lieutenant, twenty-five dollars per month, and two rations per day; and to the non-commissioned officers, privates and musicians, conformably to the act, intitled "An act providing a naval armament," as shall be fixed by the President of the United States: And the President of the United States shall be, and is hereby authorized to continue the enlistment of marines, until the said corps shall be complete; and of himself, to appoint the commissioned officers, whenever, in the recess of the Senate, an appointment shall be necessary. And the enlistments, which shall be made by virtue hereof, may be for the term of three years, subject to be discharged by the President of the United States, or by the ceasing or repeal of the laws providing for the naval armament. And if the marine corps, or any part of it, shall be ordered by the President to do duty on shore, and it shall become necessary to appoint an adjutant, paymaster, quartermaster, sergeant-major, quartermaster-sergeant, and drum and fife-major, or any of them, the major or commandant of the corps, is hereby authorized to appoint such staff officer or officers, from the line of subalterns, sergeants and music, respectively, who shall be entitled, during the time they shall do such duty, to the same extra pay and emoluments, which are allowed by law, to officers acting in the same capacities in the infantry.

SEC. 3. *And be it further enacted*, That the detachments of the corps of marines hereby authorized, shall be made in lieu of the respective quotas of marines, which have been established or authorized for the frigates, and other armed vessels and galleys, which shall be employed in the service of the United States: And the President of the United States may detach and appoint such of the officers of this marine corps, to act on board the frigates, and any of the armed vessels of the United States, respectively, as he shall, from time to time, judge necessary; any thing in the act "providing a naval armament" to the contrary hereof notwithstanding.

SEC. 4. *And be it further enacted*, That the officers, non-commissioned officers, privates and musicians aforesaid, shall take the same oath, and shall be governed by the same rules and articles of war, as are prescribed for the military establishment of the United States, and by the rules for the regulation of the navy, heretofore, or which shall be established by law, according to the nature of the service in which they shall be employed, and shall be entitled to the same allowance, in case of wounds or disabilities, according to their respective ranks, as are granted by the act "to ascertain and fix the military establishment of the United States."

SEC. 5. *And be it further enacted*, That the non-commissioned of-

chap. 68; an act for the better organization of the marine corps of the United States, June 30, 1834, chap. 132; an act making certain allowances, and granting certain arrearages to the captains and subalterns in the United States corps of marines June 30, 1834, chap. 142.

Exemption from arrest for debts and contracts.

What duty they shall be subject to do.

ficers, musicians, seamen and marines, who are or shall be enlisted into the service of the United States; and the non-commissioned officers and musicians, who are or shall be enlisted into the army of the United States, shall be, and they are hereby exempted, during their term of service, from all personal arrests for any debt or contract.

SEC. 6. *And be it further enacted*, That the marine corps, established by this act, shall, at any time, be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore, as the President, at his discretion, shall direct.

APPROVED, July 11, 1798.

STATUTE II.

July 14, 1798.

CHAP. LXXIII.—*An Act establishing an annual salary for the Surveyor of the port of Gloucester.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the surveyor of the port of Gloucester, in the state of Massachusetts, the yearly salary of two hundred and fifty dollars; to commence from the last day of March, in the year of our Lord one thousand seven hundred and ninety-seven.

APPROVED, July 14, 1798.

STATUTE II.

July 14, 1798.

CHAP. LXXIV.—*An Act in addition to the act, entitled "An act for the punishment of certain crimes against the United States."*

[Expired.]

Penalty on unlawful combinations to oppose the measures of government, &c.

Ante, p. 112.

And with such intent counselling &c. insurrections, riots, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That if any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the government of the United States, from undertaking, performing or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months nor exceeding five years; and further, at the discretion of the court may be holden to find sureties for his good behaviour in such sum, and for such time, as the said court may direct.

Penalty on libelling the government.

SEC. 2. *And be it further enacted*, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by

the constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against the United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

SEC. 3. *And be it further enacted and declared*, That if any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer: *Provided*, that the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force.

APPROVED, July 14, 1798.

Truth of the matter may be given in evidence.

The jury shall determine the law and the fact, under the court's direction.

Limitation.

STATUTE II.

July 14, 1798.

CHAP. LXXV.—*An Act to lay and collect a direct tax within the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a direct tax of two millions of dollars shall be, and hereby is laid upon the United States, and apportioned to the states respectively, in the manner following:—

To the state of New Hampshire, seventy-seven thousand seven hundred and five dollars, thirty-six cents and two mills.

To the state of Massachusetts, two hundred and sixty thousand four hundred and thirty-five dollars, thirty-one cents and two mills.

To the state of Rhode Island, thirty-seven thousand five hundred and two dollars and eight cents.

To the state of Connecticut, one hundred and twenty-nine thousand seven hundred and sixty-seven dollars, and two mills.

To the state of Vermont, forty-six thousand eight hundred and sixty-four dollars eighteen cents and seven mills.

To the state of New York, one hundred and eighty-one thousand six hundred and eighty dollars, seventy cents and seven mills.

To the state of New Jersey, ninety-eight thousand three hundred and eighty-seven dollars, twenty-five cents, and three mills.

To the state of Pennsylvania, two hundred and thirty-seven thousand one hundred and seventy-seven dollars, seventy-two cents and seven mills.

To the state of Delaware, thirty thousand four hundred and thirty dollars, seventy-nine cents, and two mills.

To the state of Maryland, one hundred and fifty-two thousand five hundred and ninety-nine dollars, ninety-five cents, and four mills.

To the state of Virginia, three hundred and forty-five thousand four hundred and eighty-eight dollars, sixty-six cents, and five mills.

To the state of Kentucky, thirty-seven thousand six hundred and forty-three dollars, ninety-nine cents, and seven mills.

To the state of North Carolina, one hundred and ninety-three thousand six hundred and ninety-seven dollars, ninety-six cents, and five mills.

To the state of Tennessee, eighteen thousand eight hundred and six dollars, thirty-eight cents, and three mills.

[Obsolete.]

Act of July 9, 1798, ch. 70.

A direct tax of two millions laid.

1802, ch. 12. Apportionment.

To the state of South Carolina, one hundred and twelve thousand nine hundred and ninety-seven dollars, seventy-three cents and nine mills.

And to the state of Georgia, thirty-eight thousand eight hundred and fourteen dollars, eighty-seven cents, and five mills.

How it shall
be collected.

It shall be as-
sessed on dwell-
ing houses,
lands and
slaves;

1798, ch. 70.

At what rate
upon dwelling
houses.

SEC. 2. *And be it further enacted*, That the said tax shall be collected by the supervisors, inspectors and collectors of the internal revenues of the United States, under the direction of the Secretary of the Treasury, and pursuant to such regulations as he shall establish; and shall be assessed upon dwelling-houses, lands and slaves, according to the valuations and enumerations to be made pursuant to the act, intitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," and in the following manner:

Upon every dwelling-house which, with the out-houses appurtenant thereto, and the lot whereon the same are erected, not exceeding two acres in any case, shall be valued in manner aforesaid, at more than one hundred, and not more than five hundred dollars, there shall be assessed in the manner herein provided, a sum equal to two tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than five hundred, and not more than one thousand dollars, there shall be assessed a sum equal to three tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than one thousand dollars, there shall be assessed a sum equal to four tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than three thousand, and not more than six thousand dollars, there shall be assessed a sum equal to one half of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than six, and not more than ten thousand dollars, there shall be assessed a sum equal to six tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than ten, and not more than fifteen thousand dollars, there shall be assessed a sum equal to seven tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than fifteen, and not more than twenty-thousand dollars, there shall be assessed a sum equal to eight tenths of one per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than twenty, and not more than thirty thousand dollars, there shall be assessed a sum equal to nine tenths of one per centum on the amount of the valuation; and upon every dwelling-house which shall be valued as aforesaid, at more than thirty thousand dollars, there shall be assessed a sum equal to one per centum on the amount of the valuation.

At what rate
upon slaves:

and the residue
of the appor-
tionment shall
be assessed up-
on lands.

Saving of lands
and houses ex-
empted by the
laws of the
states.

And upon every slave which shall be enumerated according to the act aforesaid, there shall be assessed fifty cents.

And the whole amount of the sums so to be assessed upon dwelling-houses and slaves within each state respectively, shall be deducted from the sum hereby apportioned to such state, and the remainder of the said sum shall be assessed upon the lands within such state according to the valuations to be made pursuant to the act aforesaid, and at such rate per centum as will be sufficient to produce the said remainder: *Provided*, that no part of said tax shall be assessed upon such lands or dwelling-houses and slaves as at the time of passing this act are especially exempted from taxes by the laws of the states, respectively.

SEC. 3. *And be it further enacted*, That the aforesaid assessments shall be made by the supervisors of the several districts within the United States respectively, and pursuant to instructions from the Secretary of

the Treasury; which instructions the said Secretary shall be, and hereby is authorized and required to issue to such supervisors or any of them, so soon as the valuations and enumerations directed to be made by the aforesaid act shall have been completed in the state to which such supervisor belongs. And the said tax shall become due and payable from and after the expiration of three months after the instructions aforesaid shall have been received by the supervisors respectively: *Provided*, that if, on making the assessments as aforesaid, it should appear that the sums so to be assessed on houses and slaves within any state will exceed the sum hereby apportioned to such state, then the supervisor shall be, and hereby is authorized and required to deduct from the sums so to be assessed on houses, such rate per centum as shall be sufficient to reduce the whole amount of the said assessments, to the sum apportioned to such state, as aforesaid.

Assessments to be made by the supervisors.

When the tax shall become due.

What is to be done, if assessments on houses and slaves exceed the apportionment.

SEC. 4. *And be it further enacted*, That the said supervisors shall be, and hereby are authorized and required to appoint such and so many suitable persons in each assessment district within their respective districts, as may be necessary for collecting the said tax, and shall assign to them, respectively, their collection districts therein; which persons shall be collectors within their respective collection districts, and shall collect the said tax under the direction of the supervisors respectively, and according to the regulations and provisions contained in this act, or to be established pursuant thereto.

Supervisors shall appoint collectors.

SEC. 5. *And be it further enacted*, That so soon as the aforesaid assessment shall have been completed, the said supervisors shall, by special warrants, under their hands, respectively, cause the surveyors of the revenue within their respective districts, to make out lists containing the sums payable, according to such assessments, for every dwelling-house, tract or lot of land, and slave, within each collection district, respectively; which lists shall contain the name of the proprietor or occupant of each dwelling-house, tract or lot of land and slave, within the collection district, or of the person having the care or superintendence of them, or any of them, where such proprietor, occupant or superintendent is known, and the whole sum payable by each person within the said district, distinguishing what is payable for dwelling-houses, what for slaves, and what for lands. And where there are lands, slaves or dwelling-houses within any collection district, not owned, or occupied by, or under the care or superintendence of any person resident therein, there shall be a separate list of such lands, dwelling-houses and slaves, specifying the sums payable for each, and the names of the proprietors or superintendents, respectively, where known.

Surveyor of the revenue to make out lists of taxes.

SEC. 6. *And be it further enacted*, That each of the collectors, to be appointed as aforesaid, shall be furnished by the surveyor of the revenue for the assessment district within which he shall have been so appointed, with one or more of the said lists, signed and certified by such surveyor. And each collector, on receiving a list as aforesaid, shall subscribe three receipts; one of which shall be given on a full and correct copy of such list, and the other two on aggregate statements thereof, exhibiting the number and valuation of dwelling-houses, the number of slaves, and the amount of the valuation of lands in such collection district, with the amount of the taxes assessed thereon. And the list first mentioned, and receipt, shall remain in the office of the surveyor of the revenue, and shall be opened to the inspection of any person who may apply to inspect the same; and the aggregate statements and receipts aforesaid, shall be transmitted to the inspector of the survey, and one of them shall be by him transmitted to the supervisor of the district.

Collectors to be furnished with lists.

SEC. 7. *And be it further enacted*, That each collector, before receiving any list as aforesaid, for collection, shall give bond, with one or

Collectors to give bond.

more good and sufficient sureties, in at least double the amount of the taxes assessed on the collection district for which he may be appointed; which bond shall be payable to the United States, with condition for the true and faithful discharge of the duties of his office, according to law, and particularly, for the due collection and payment of all monies assessed upon such district.

Tax to be a
lien upon the
land, &c.

SEC. 8. *And be it further enacted*, That the aforesaid tax shall be, and remain a lien upon all lands, and other real estate, and all slaves, of the individuals who may be assessed for the same, during two years after the time when it shall become due and payable according to this act; and the said lien shall extend to each and every part of all tracts or lots of land, or dwelling-houses, which shall be valued according to the aforesaid act, notwithstanding the same may have been divided or alienated, in part, unless an apportionment of the valuation thereof shall have been made and recorded pursuant to the aforesaid act, prior to the time when the collection lists shall have been stated, in manner herein before prescribed.

How the col-
lectors shall de-
mand and en-
force payment.

SEC. 9. *And be it further enacted*, That each of the said collectors shall, immediately after receiving his collection list, advertise, by notifications, to be posted up in at least four public places in each collection district, that the said tax has become due and payable and the times and places at which he will attend to receive the same; and, in respect to persons who shall not attend, according to such notifications, it shall be the duty of each collector to apply once at their respective dwellings, within such district, and there demand the taxes payable by such persons; and if the said taxes shall not be then paid, or within twenty days thereafter, it shall be lawful for such collector to proceed to collect the said taxes, by distress and sale of the goods, chattels or effects of the persons delinquent as aforesaid, with a commission of eight per centum upon the said taxes, to and for the use of such collector: *Provided*, that it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved lands, arms, or the household utensils, or apparel necessary for a family.

SEC. 10. *And be it further enacted*, That except, as aforesaid, all goods, chattels, and personal effects whatever, being or remaining on lands, subject to the said tax; and all grass, or produce of farms, standing and growing thereon, shall and may be taken and sold for the payment of the said tax, under such regulations as have been or may be made for the sale of goods or effects taken and sold by distress: *Provided*, that nothing herein contained shall invalidate or impair any contract or agreement between any landlord, tenant, or other person, relative to the payment of taxes.

Provision for
the case where
lands, &c. are
not possessed
by a person in
the collection
district.

SEC. 11. *And be it further enacted*, That in respect to lands, dwelling-houses and slaves, which shall not be owned by, or in the occupation, or under the care or superintendence of some person within the collection district where the same shall be situated or found at the time of the assessment aforesaid, the said collectors respectively, upon receiving lists of such lands, dwelling-houses, or slaves, in manner aforesaid, shall transmit copies of such lists, certified under their hands respectively, to the surveyors of the revenue for the assessment districts respectively within which the persons owning, or having the care and superintendence of such dwelling-houses, lands, or slaves, may reside, if such persons be known, together with a statement of the amount of taxes assessed as aforesaid upon such dwelling-houses, lands or slaves, respectively, and a notification to pay, or cause to be paid the said taxes to the said collectors respectively, within thirty days after such notification shall be served as is herein provided; which copies, statements and notifications

the surveyors receiving the same respectively shall cause to be personally served on the aforesaid persons respectively, or left at their usual places of abode; and shall cause an affidavit thereof, by the person serving or leaving the same as aforesaid, with the time of such service or leaving, to be immediately transmitted to the aforesaid collector: and if such persons being notified in manner aforesaid, shall not, within sixty days thereafter, pay the said taxes to the collector of the collection district where the said lands, dwelling houses, or slaves, shall be situated, or transmit to him a receipt for the said taxes in the manner herein provided, then the said collector shall proceed to collect the said tax by distress and sale as is herein directed: and if the persons owning or having the care and superintendence of any such lands, dwelling-houses or slaves, shall not be known, then the aforesaid collectors shall cause the said copies, statements and notifications to be published for sixty days in four gazettes of the state, if there be so many; after which publication, if the said taxes shall not be paid, the said collectors shall proceed to collect the same by distress and sale in the manner herein provided.

SEC. 12. *Provided always, and be it further enacted,* That if any person owning, or having the superintendence or care of any dwelling-houses, lands, or slaves, in a collection district other than that in which he resides, and being served with such copy, statement and notification as is aforesaid, shall, within sixty days thereafter, pay the said taxes to the collector of the collection district within which he resides, and transmit a receipt therefor to the collector sending the said copy, statement and notification, such receipt shall be a discharge to the said last mentioned collector for the said taxes, and he shall thereupon forbear to collect them; and the collector giving such receipt shall become chargeable with the said taxes, and shall account therefor in the final settlement of the accounts of his collection.

Taxes may be paid in the district where the possessor resides.

SEC. 13. *And be it further enacted,* That when any tax assessed on lands or houses, shall have remained unpaid for the term of one year, the collector of the collection district within which such land or houses may be situated, having first advertised the same for two months, in six different public places within the said district, and in two gazettes in the state, if there be so many, one of which shall be the gazette in which the laws of such state shall be published by authority if any such there be, shall proceed to sell at public sale, and under the direction of the inspector of the survey, either the dwelling house, or so much of the tract of land, (as the case may be) as may be necessary to satisfy the taxes due thereon; together with costs and charges, not exceeding at the rate of one per centum, for each and every month the said tax shall have remained due and unpaid. *Provided,* that in all cases, where any lands or tenements, shall be sold as aforesaid, the owner of the said lands or tenements, his heirs, executors or administrators, shall have liberty to redeem the same at any time within two years, from the time of sale, upon payment, or tender of payment, to the collector for the time being, for the use of the purchaser, his heirs or assignees of the amount of the said taxes, costs and charges, with interest for the same, at the rate of twelve per cent. per annum; and upon payment or tender of payment as aforesaid such sale shall be void. And no deed shall be given in pursuance of any such sale, until the time of redemption shall have expired.(a)

Lands and houses may be sold for taxes remaining unpaid for one year.

But the owner may redeem within two years.

(a) A collector selling land for taxes, must act in conformity with the law from which his power is derived; and the purchaser is bound to inquire whether he has so acted. It is incumbent on the vendee to prove the authority to sell. *Stead's Ex'rs v. Course*, 4 Cranch, 403; 2 Cond. Rep. 151.

Under the act of Congress to lay and collect a direct tax, (July 14, 1798,) before the collector could sell the land of an unknown proprietor, for the non-payment of the tax, it was necessary that he should advertise the copy of the lists of lands, &c., and the statement of the amount due for the tax; and the notification to pay, for sixty days, in four gazettes of the state, if there were so many. *Parker v. Rule's Lessee*, 9 Cranch, 64; 3 Cond. Rep. 271.

In the case of a naked power not coupled with an interest, every prerequisite to the exercise of that

Supervisors to keep accounts of taxes due.

Collectors to account monthly.

Collectors to complete their duty and pay over the money in one year and one month.

How the payment shall be enforced.

Lien upon the real estate of collectors.

SEC. 14. *And be it further enacted*, That the supervisors of the respective districts, shall keep true and exact accounts of all taxes due and payable in each collection district, and shall charge the amount thereof to the collectors of such districts respectively. And the said collectors shall, at the expiration of every month after they shall, respectively, commence their collections, in manner aforesaid, render to the supervisor of the district, or the inspector of the survey within which the said collections shall, respectively, be made, a full and true account of the collections made by them, respectively, within the month, and pay over to the said supervisor or inspector, the monies by them respectively collected within the said term. And if any such collector shall fail or neglect to account and pay over, as aforesaid, at any of the periods above prescribed, such collector shall forfeit and pay three hundred dollars, to be recovered to the use of the United States, with costs of suit, in any court having competent jurisdiction. And where any monies shall have been paid, as aforesaid, to the inspector of a survey, by any collector, the receipt of such inspector shall be allowed to such collector, in the final settlement of his accounts with the supervisor of the district.

SEC. 15. *And be it further enacted*, That each of the said collectors shall complete the collection of all sums assigned to him, for collection, as aforesaid, and shall account for, and pay over the same to the supervisor of the district, within one year and one month from and after the time when the said tax shall have become due and payable, in manner aforesaid; and if any collector shall fail so to collect, account and pay over, it shall be the duty of the supervisor of the district, and he is hereby authorized and required to issue a warrant of distress against such delinquent collector and his sureties, directed to the marshal of the district, therein expressing the amount of the taxes imposed on the district of such collector, and the sums, if any, which have been paid; and the said marshal shall himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels, or any personal effects of the delinquent collector; and for want of goods, chattels or effects, aforesaid, sufficient to satisfy the said warrant, the same may be levied on the person of the collector, who may be committed to prison, there to remain, until discharged in due course of law. And furthermore, notwithstanding the commitment of the collector to prison, as aforesaid, or if he abscond, and goods, chattels and effects cannot be found, sufficient to satisfy the said warrant, the said marshal, or his deputy, shall and may proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels, or any personal effects, of the surety or sureties of the delinquent collector.

SEC. 16. *And be it further enacted*, That the amount of the sums committed to any collector, for collection as aforesaid, shall, and the same are hereby declared to be a lien upon the lands and real estate of such collector, and his sureties, until the same shall be discharged, according to law; and for want of goods and chattels, or other personal effects of such collector, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the preceding section of this act, the lands and real estate of such collector, and his sureties, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks, in not less than three public places in the collection district, and in one newspaper printed in the county, if any there be, prior to the proposed time of sale, may and shall be sold by the marshal or his deputy; and for all lands and real estate sold, in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies,

power should precede it. In the cases of lands sold for the non-payment of taxes, the marshal's deed is not prima facie evidence that the prerequisites of the law have been complied with; but the party claiming under it, must show this positively. *Williams v. Peyton's Lessee*, 4 Wheat. 77; 4 Cond. Rep. 395.

executed in due form of law, shall afford a valid title against all persons claiming under the delinquent collectors, or their sureties, aforesaid; and all monies that may remain of the proceeds of such sale, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the lands or real estate sold as aforesaid.

SEC. 17. *And be it further enacted*, That it shall be lawful for the supervisors of the respective districts, at any time, for good and sufficient cause, to dismiss or discharge each or any collector from office, and to commit the collection of any part of the said tax remaining uncollected, to a new collector; and immediately upon such dismissal, and after a notification thereof, in at least two public places in the collection district, by the supervisor, or the surveyor of the revenue for the district, on his behalf, the powers of the collector so dismissed, shall cease and terminate; and if any collector, so dismissed, shall wilfully refuse or neglect to surrender his collection list, and to render a true account of all monies collected, and to pay over the same, according to the directions of the supervisor, each and every such collector shall forfeit and pay a sum not exceeding four thousand dollars, with costs of suit, to be recovered to the use of the United States, in any court having competent jurisdiction: *Provided*, that nothing herein contained shall be construed to impair the responsibility of any collector, or his sureties, arising under the foregoing provisions of this act.

Collectors may be dismissed by the supervisors.

SEC. 18. *And be it further enacted*, That each and every collector, who shall exercise, or be guilty of any extortion or oppression, under colour of this act, or shall demand other or greater sums than shall be authorized by law, shall be liable to pay a sum not exceeding three hundred dollars; to be recovered by and for the use of the party injured, with costs of suit, in any court having competent jurisdiction; and each and every collector shall, if required, give receipts for all sums by them collected and retained, in pursuance of this act.

Penalty on collectors guilty of extortion, &c.

They shall give receipts.

SEC. 19. *And be it further enacted*, That for collecting the said tax, there shall be allowed and paid, the following sums, and no more, to be retained by the several officers herein after mentioned, in the final settlement of their accounts, respectively; that is to say:—To each supervisor, one half per centum, on the whole amount of the monies by him received and accounted for, under and by virtue of this act;—to every inspector, one fourth per centum, on the whole amount of the monies to be by him received and accounted for, as aforesaid; and to every collector, five per centum, on the whole amount of the monies by him to be received and accounted for, as aforesaid: *Provided*, that no collector shall receive the said allowance, for, or in respect to any sum for which a warrant of distress shall have been issued by him; and *provided also*, that no collector who shall refuse or neglect to render, according to this act, any monthly account of monies by him received, as aforesaid, or to pay over the same, as is hereby directed, shall be entitled to, or receive the said allowance, upon all or any of the monies by him collected, within the month for which he shall so refuse or neglect to account and pay over, as aforesaid.

Compensation for collection.

SEC. 20. *And be it further enacted*, That there shall be allowed to the surveyors of the revenue, respectively, to be paid by the supervisors, respectively, and exhibited in their accounts, as part of the charge of the said collection, for preparing collection lists, and computing the taxes payable by each individual, at the rate of one dollar for every hundred taxables contained in any such list.

SEC. 21. *And be it further enacted*, That a separate account shall be kept at the treasury of the United States of all monies to be collected and received by virtue of this act; distinguishing the several amounts received from dwelling-houses, from slaves, and from lands, within each

Separate accounts to be kept at the treasury of monies received by virtue of this act.

state, and also distinguishing the amount received in each state from each separate description of dwelling-houses, paying the same rate per centum.

APPROVED, July 14, 1798.

STATUTE II.

July 16, 1798.

[Repealed.]

Augmentation
of the regiments
of infantry.

1799, ch. 31.
1802, ch. 9.

Surgeon's
mates.

Additional
twelve regi-
ments of infant-
ry and six
troops of light
dragoons to be
raised.

Regiment of
dragoons to be
formed.

General and
staff officers.

Their pay and
subsistence.

Soldiers to be
able bodied, &c.

Bounty.

CHAP. LXXVI.—*An Act to augment the Army of the United States, and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, each regiment of infantry in the army of the United States shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, ten captains, ten lieutenants, ten ensigns, one sergeant-major, one quartermaster sergeant, two senior musicians, forty sergeants, forty corporals, twenty musicians, and six hundred privates; and that the several regiments of infantry now in the service of the United States, be augmented accordingly: *Provided always,* that the President of the United States may, in his discretion, appoint and distribute such additional number of surgeon's mates, and for such length of time, as the exigencies of the service may require.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to raise, in addition to the present military establishment, twelve regiments of infantry, and six troops of light dragoons, to be enlisted for and during the continuance of the existing differences between the United States and the French Republic, unless sooner discharged; and the said six troops, together with the two troops of dragoons now in service, shall be formed into a regiment, and there shall be appointed thereto one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one sergeant-major, and one quartermaster-sergeant, whose pay and emoluments, as well as those of the cornets respectively, shall be the same as are by law allowed to officers of the same grades in the infantry.

SEC. 3. *And be it further enacted,* That there shall be two major-generals, with two aids-de-camp each; one inspector-general, with the rank, pay and emoluments of a major-general, and two aids-de-camp; three brigadier-generals, in addition to the present establishment; two assistant inspectors (who shall be taken from the line of the army;) one adjutant-general, with one or more assistant or assistants (to be taken from the line of the army), and four chaplains.

SEC. 4. *And be it further enacted,* That the major-generals respectively shall be entitled to one hundred and sixty-six dollars monthly pay, with twenty dollars allowance for forage monthly, and for daily subsistence fifteen rations, or money in lieu thereof at the contract price; the adjutant-general shall be entitled to the rank, pay and emoluments of a brigadier-general; each chaplain to the pay and emoluments of a major; the aids-de-camp and assistant inspectors shall each be entitled to twenty-four dollars monthly, in addition to their pay in the line, and to four rations of provisions each for their daily subsistence; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

SEC. 5. *And be it further enacted,* That each non-commissioned officer, private and musician, who shall hereafter be enlisted for the army of the United States, shall be able bodied, and of a size and age, suitable for the public service, according to the directions, which the President of the United States shall and may establish, and shall be entitled to a bounty of twelve dollars; but the payment of four dollars thereof shall be deferred until he shall have joined the army: and each commissioned officer who shall be employed in the recruiting service, shall

be entitled to receive for each such non-commissioned officer and private, and for each sufficient musician, duly enlisted and mustered, the sum of two dollars.

Allowance to recruiting officers.

SEC. 6. *And be it further enacted*, That the monthly pay of the non-commissioned officers, musicians and privates in the army of the United States, from and after the first day of August next, shall be as follows: cadets, ten dollars, and two rations per day; sergeant-majors, and quartermaster-sergeants, ten dollars; senior musicians, eight dollars; sergeants, eight dollars; corporals, seven dollars; musicians, six dollars; privates, five dollars; artificers to the infantry and artillery, and farriers and saddlers to the dragoons, shall be allowed each the monthly pay of ten dollars. That every non-commissioned officer, private and musician shall receive daily the following rations of provisions, to wit: one pound and a quarter of beef, or three quarters of a pound of pork, eighteen ounces of bread or flour, a gill of rum, brandy or whiskey, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles to every hundred rations.

Pay of men.

Their subsistence.

SEC. 7. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to appoint a number, not exceeding four, teachers of the arts and sciences necessary for the instruction of the artillerists and engineers, who shall be entitled to the monthly pay of fifty dollars, and two rations per day.

The President may appoint four teachers of the arts and sciences necessary for artillerists and engineers.

SEC. 8. *And be it further enacted*, That the officers, non-commissioned officers, musicians and privates raised by virtue of this act, shall take and subscribe the oath or affirmation prescribed by the law, intituled "An act to ascertain and fix the military establishment of the United States," and they shall be governed by the rules and articles of war, which have been or may be established by law, and shall be entitled to the legal emoluments in case of wounds or disabilities received while in actual service, and in the line of duty. And in recess of Senate, the President of the United States is hereby authorized to appoint all the regimental officers proper to be appointed under this act, and likewise to make appointments to fill any vacancies in the army, which may have happened during the present session of the Senate.

Troops to take an oath; and how they shall be governed.

The President may make appointments in the recess.

SEC. 9. *And be it further enacted*, That there shall be appointed an inspector of the artillery, taken from the line of artillerists and engineers, who shall be allowed thirty dollars per month in addition to his pay in the line, and four rations of provisions for his daily subsistence, and whenever forage shall not be furnished by the public he shall be allowed ten dollars per month instead thereof.

Inspector of artillery to be appointed.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

CHAP. LXXVII.—*An Act for the relief of sick and disabled Seamen.* (a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of September next, the master or owner of every ship or vessel of the United States, arriving from a foreign port into any port of the United States, shall, before such ship or vessel shall be admitted to an entry, render to the collector a true account of the number of seamen, that shall have been employed on board such vessel since she was last entered at any port in the United States,—and shall pay to the said collector, at the rate of twenty cents per month for every

Twenty cents per month to be deducted from the wages of seamen, coming from a foreign voyage in a vessel of the United States.

(a) The acts passed by Congress, for the relief of sick and disabled seamen, have been: An act for the relief of sick and disabled seamen, July 16, 1798, chap. 77; an act in addition to an act for the relief and protection of American seamen, March 2, 1799, chap. 36; an act for the relief and protection of American seamen, May 28, 1796, chap. 36; an act supplementary to the "act concerning consuls and vice consuls," and for the further protection of American seamen, February 28, 1803, chap. 9.

seaman so employed; which sum he is hereby authorized to retain out of the wages of such seamen.

The same with respect to the coasting trade.

SEC. 2. *And be it further enacted*, That from and after the first day of September next, no collector shall grant to any ship or vessel whose enrolment or license for carrying on the coasting trade has expired, a new enrolment or license before the master of such ship or vessel shall first render a true account to the collector, of the number of seamen, and the time they have severally been employed on board such ship or vessel, during the continuance of the license which has so expired, and pay to such collector twenty cents per month for every month such seamen have been severally employed, as aforesaid; which sum the said master is hereby authorized to retain out of the wages of such seamen. And if any such master shall render a false account of the number of men, and the length of time they have severally been employed, as is herein required, he shall forfeit and pay one hundred dollars.

Penalty on the master rendering a false account of the same.

Collectors to make returns of the sums received; which shall be expended in relieving sick and disabled seamen.

SEC. 3. *And be it further enacted*, That it shall be the duty of the several collectors to make a quarterly return of the sums collected by them, respectively, by virtue of this act, to the Secretary of the Treasury; and the President of the United States is hereby authorized, out of the same, to provide for the temporary relief and maintenance of sick or disabled seamen, in the hospitals or other proper institutions now established in the several ports of the United States, or, in ports where no such institutions exist, then in such other manner as he shall direct: *Provided*, that the monies collected in any one district, shall be expended within the same.

Monies unexpended, and donations to be invested in stock.

SEC. 4. *And be it further enacted*, That if any surplus shall remain of the monies to be collected by virtue of this act, after defraying the expense of such temporary relief and support, that the same, together with such private donations as may be made for that purpose (which the President is hereby authorized to receive) shall be invested in the stock of the United States, under the direction of the President; and when, in his opinion, a sufficient fund shall be accumulated, he is hereby authorized to purchase or receive cessions or donations of ground or buildings, in the name of the United States, and to cause buildings, when necessary, to be erected as hospitals for the accommodation of sick and disabled seamen.

Provision for building marine hospitals.

Directors of the marine hospitals to be appointed.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to nominate and appoint, in such ports of the United States, as he may think proper, one or more persons, to be called directors of the marine hospital of the United States, whose duty it shall be to direct the expenditure of the fund assigned for their respective ports, according to the third section of this act; to provide for the accommodation of sick and disabled seamen, under such general instructions as shall be given by the President of the United States, for that purpose, and also subject to the like general instructions, to direct and govern such hospitals as the President may direct to be built in the respective ports: and that the said directors shall hold their offices during the pleasure of the President, who is authorized to fill up all vacancies that may be occasioned by the death or removal of any of the persons so to be appointed. And the said directors shall render an account of the monies received and expended by them, once in every quarter of a year, to the Secretary of the Treasury, or such other person as the President shall direct; but no other allowance or compensation shall be made to the said directors, except the payment of such expenses as they may incur in the actual discharge of the duties required by this act.

Their duties.

APPROVED, July 16, 1798.

CHAP. LXXVIII.—*An Act for erecting a Lighthouse at Gay-head, on Martha's Vineyard; and for other purposes.*

STATUTE II.

July 16, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That as soon as the jurisdiction of such land at Gay-head, on the western part of Martha's Vineyard, in the state of Massachusetts, as the President of the United States shall deem sufficient, and most proper for the accommodation of a lighthouse, shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury to provide by contract, which shall be approved by the President, for building a lighthouse thereon, and for furnishing the same with all necessary supplies; and also, to agree for the salaries and wages of the person or persons who may be appointed by the President, for the superintendence of the same: And the President is hereby authorized to make the said appointments.

Lighthouse to be erected at Gay-head.

SEC. 2. *And be it further enacted,* That as soon as such land at the New Inlet of Cape Fear river, in the state of North Carolina, as the President of the United States shall deem sufficient and most proper whereon to erect a lighted beacon, shall have been ceded to the United States, together with the jurisdiction thereof, it shall be the duty of the Secretary of the Treasury to provide by contract, for erecting a lighted beacon thereon; and also for placing a buoy in the inlet aforesaid, and for furnishing the same with all necessary supplies.

A lighted beacon and a buoy to be fixed at the New Inlet of Cape Fear river.

SEC. 3. *And be it further enacted,* That for the purposes aforesaid, and also for the payment of such sum as shall be found due to the commissioners of pilotage of the port of Savannah, in the state of Georgia, for erecting a beacon, and placing sundry buoys at the entrance of the said port, on a settlement of their accounts at the treasury, there be appropriated out of any monies in the treasury, not otherwise particularly appropriated, the sum of five thousand seven hundred and fifty dollars: *Provided always,* that no payment shall be made for erecting the said beacon, until the land whereon the same has been erected, together with the jurisdiction thereof, shall have been ceded to the United States, agreeable to law, and in like manner as has been done in other cases.

Appropriation for those purposes, and for a beacon and buoys at the entrance of Savannah.

Proviso.

APPROVED, July 16, 1798.

CHAP. LXXIX.—*An Act to enable the President of the United States to borrow money for the public service.*

STATUTE II.

July 16, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and hereby is authorized to borrow, on behalf of the United States, from the Bank of the United States, which is hereby authorized to lend the same, or from any other body or bodies politic or corporate, or from any person or persons and upon such terms and conditions as he shall judge most advantageous for the United States, a sum not exceeding five millions of dollars, in addition to the monies to be received into the treasury of the United States, from taxes, for making up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress; and defraying the expenses which may be incurred, by calling into actual service, any part of the militia of the United States, or by raising, equipping and calling into actual service any regular troops, or volunteers, pursuant to authorities vested or to be vested in the President of the United States, by law: *Provided,* that no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed at any time after the expiration of fifteen years from the date of such loan.

[Obsolete.]

The President may borrow five millions of dollars.

Reservation of the right to reimburse after fifteen years.

Surplus of the duties on imports and tonnage pledged for the payment of principal and interest.

Permanent revenues for making up the deficiency to be established.

Sums borrowed to be paid into the treasury, &c.

Appropriation of the same.

SEC. 2. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be and hereby is pledged and appropriated for paying the interest of all such monies as may be borrowed, pursuant to this act, according to the terms and conditions on which the loan or loans, respectively, may be effected; and also for paying and discharging the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed, as aforesaid. And the faith of the United States shall be and hereby is pledged, to establish sufficient permanent revenues for making up any deficiency that may hereafter appear in the provisions for paying the said interest and principal sums, or any of them, in manner aforesaid.

SEC. 3. *And be it further enacted*, That the sums to be borrowed, pursuant to this act, shall be paid into the treasury of the United States, and there separately accounted for; and that the same shall be, and hereby are appropriated in manner following: First, to make up any deficiency in any appropriation heretofore made by law, or to be made, during the present session of Congress; and, secondly, to defray the expenses which may be incurred before the end of the next session of Congress, by calling into actual service, any part of the militia of the United States, or by raising, equipping and calling into actual service, any regular troops, or volunteers, pursuant to authorities vested or to be vested in the President of the United States, by law.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

[Obsolete.]

Ante, p. 426, 495, 509.

CHAP. LXXX.—*An Act to suspend, for a further time, the duties upon the manufacture of Snuff within the United States, and the drawbacks upon the exportation thereof.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all such parts of any law or laws heretofore passed, as impose duties upon mills and implements employed in the manufacture of snuff, or allow drawbacks upon the exportation of snuff manufactured within the United States, shall be, and the same hereby are suspended until the end of the first session of the sixth Congress of the United States.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

[Obsolete.]

CHAP. LXXXI.—*An Act for allowing an additional compensation to the doorkeepers and assistant doorkeepers of the Senate and House of Representatives, for their services during the present session of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to James Mathers, doorkeeper of the Senate, and to Thomas Claxton, doorkeeper of the House of Representatives, each, two hundred and fifty dollars; and to Cornelius Maxwell, assistant doorkeeper of the Senate, and to Thomas Dunn, the assistant doorkeeper of the House of Representatives, each, two hundred and twenty-five dollars, as an additional compensation for their services during the present session of Congress.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

[Obsolete.]

CHAP. LXXXII.—*An act to make a further appropriation for the additional Naval Armament.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum

of six hundred thousand dollars shall be, and hereby is appropriated, to enable the President of the United States to cause to be built, and equipped, three ships or vessels, to be of a force not less than thirty-two guns each, and of the dimensions and model which he shall deem most advantageous for the public service, as part of the additional naval armament authorized by law.

SEC. 2. *And be it further enacted*, That the timber and other materials belonging to the United States proper for building and equipping the ships or vessels aforesaid, remaining in their several dock-yards, and elsewhere, may be employed under the direction of the President of the United States, in effecting the purposes of this act; or may be otherwise disposed of, as he shall think best. And the sum hereby appropriated, shall be paid out of any unappropriated money in the treasury.

APPROVED, July 16, 1798.

Appropriation for three ships of not less than 32 guns each.

Disposal of the materials for ships now on hand.

Appropriation how to be paid.

STATUTE II.

CHAP. LXXXIII.—*An Act in further addition to the act, intituled "An act to establish the Judicial Courts of the United States."*

July 16, 1798.

1789, ch. 20.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judges of the supreme court, and of the several district courts of the United States, and all judges and justices of the courts of the several states, having authority by the laws of the United States to take cognizance of offences against the constitution and laws thereof, shall respectively have the like power and authority to hold to security of the peace, and for good behaviour, in cases arising under the constitution and laws of the United States, as may or can be lawfully exercised by any judge or justice of the peace of the respective states, in cases cognizable before them.

Power of holding to the peace and good behaviour.

APPROVED, July 16, 1798.

STATUTE II.

CHAP. LXXXIV.—*An Act making certain appropriations; and to authorize the President to obtain a Loan on the credit of the direct tax.*

July 16, 1798.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and there hereby are appropriated the following sums, that is to say:—Towards defraying the bounties, pay and other expenditures which shall and may accrue, in the augmentation of the army of the United States, pursuant to the act, intituled, "An act to augment the army of the United States; and for other purposes," the sum of nine hundred thousand dollars; and in addition to the sums heretofore appropriated for such fortifications as the President of the United States shall cause to be erected or completed, the further sum of seventy-five thousand dollars; and for the further expenses of the commissioners appointed pursuant to the treaty between the United States and Spain, and for the extraordinary expenses of marking and running certain boundary lines required by the same treaty, in addition to the former appropriations, the sum of twenty-five thousand dollars, to be paid from any monies which shall be in the treasury of the United States, not already appropriated.

Appropriations for several purposes.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to borrow of the Bank of the United States, who are hereby enabled to lend the same, or of any other corporation, persons or person, the sum of two millions of dollars, upon the credit, and in anticipation of the direct tax, laid and to be collected within the United States; which tax shall be, and is hereby pledged for the repayment of any loan which shall be obtained thereon, as aforesaid; and the faith of the United States shall be, and is hereby

The President may borrow two millions on the credit of the direct tax.

pledged to make good any deficiency: *Provided*, that the interest to be allowed for such loan, shall not exceed six per centum per annum; and that the principal shall be reimbursed at the pleasure of the United States.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

CHAP. LXXXV.—*An Act to alter and amend the several acts for the establishment and regulation of the Treasury, War and Navy Departments.*

[Obsolete.]

Accountant of the navy established—

Ante, p. 553.
His duty.

April 30, 1798.
Ante, p. 49.

Compensation.
Act of March 2, 1799.

Letters free.

The treasurer to disburse monies for the Navy Department, on warrants, &c.

Purchases and contracts to be made by the war and navy departments, and accounts to be settled with the accountants thereof.

Purveyor of public supplies to execute orders from the Secretaries of War and the Navy.

Provisions of former acts repealed.

1792, ch. 37.

1795, ch. 27.

Contracts relative to money, &c. to be lodged in the comptroller's office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be in the department of the navy, an officer to be denominated accountant of the navy, who shall be charged with the settlement of all accounts for monies advanced and stores issued or distributed by or under the direction of the Secretary of the Navy, and who shall report from time to time, all such settlements as shall have been made by him for money advanced or issued, for the inspection and revision of the accounting officers of the treasury. And the compensation of the said accountant shall be a yearly salary of one thousand six hundred dollars. And all letters and packages to and from said accountant by mail, shall be free of postage.

SEC. 2. *And be it further enacted*, That the treasurer of the United States shall disburse all such money as shall have been previously ordered for the use of the department of the navy, by warrants from the treasury, which disbursements shall be made pursuant to warrants from the Secretary of the Navy, countersigned by the accountant.

SEC. 3. *And be it further enacted*, That all purchases and contracts for supplies or services for the military and naval service of the United States, shall be made by or under the direction of the chief officers of the departments of war and the navy respectively, and all agents or contractors for supplies or services as aforesaid, shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject nevertheless to the inspection and revision of the officers of the treasury in manner before prescribed.

SEC. 4. *And be it further enacted*, That it shall be the duty of the purveyor of public supplies, to execute all such orders as he may, from time to time, receive from the Secretary of War or Secretary of the Navy, relative to the procuring and providing of all kinds of stores and supplies; and shall render his accounts relative thereto to the accountants of the proper departments, which accounts shall be subject to the inspection and revision of the officers of the treasury as aforesaid.

SEC. 5. *And be it further enacted*, That the provisions of the act passed on the eighth day of May, one thousand seven hundred and ninety-two, intituled "An act making alterations in the Treasury and War departments," and the act passed on the twenty-third day of February, one thousand seven hundred and ninety-five, intituled "An act to establish the office of Purveyor of public supplies," so far as the same are repugnant to the provisions of this act, be and the same are hereby repealed.

SEC. 6. *And be it further enacted*, That all contracts to be made, by virtue of this act, or of any law of the United States, and requiring the advance of money, or to be in any manner connected with the settlement of public accounts, shall be deposited in the office of the Comptroller of the Treasury of the United States, within ninety days after their dates, respectively.

APPROVED, July 16, 1798.

CHAP. LXXXVI.—*An Act making certain additional appropriations for the year one thousand seven hundred and ninety-eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the compensation of clerks to the Commissioners of loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, for and during the year one thousand seven hundred and ninety-eight, there shall be, and hereby is appropriated, the sum of thirteen thousand dollars.

SEC. 2. *And be it further enacted,* That for the expenses incident to the Navy department for and during the present year, including the compensation of the Secretary of the Navy, his clerks and persons employed in his office, with the contingent expenses of the department, there shall be, and hereby is appropriated, the sum of six thousand two hundred and fourteen dollars and seventy-two cents.

SEC. 3. *And be it further enacted,* That for the expenses incident to the office of the Accountant of the Navy department, for and during the present year, including the compensation of the accountant, his clerks and persons employed in his office, with all contingent expenses thereof, there shall be, and hereby is appropriated, the sum of two thousand and forty-five dollars and nine cents.

SEC. 4. *And be it further enacted,* That for the additional expenses incident to the present session of Congress, for printing, stationery and other contingencies, there shall be, and hereby are appropriated, the following sums, viz.: For the Senate, one thousand dollars; for the House of Representatives, four thousand dollars.

SEC. 5. *And be it further enacted,* That for repaying to the Bank of the United States a sum advanced upon bills drawn by the treasury of the United States, in favour of the cashier of the said bank, upon the supervisor of the district of New Hampshire, and protested, there shall be, and hereby is appropriated, the sum of five thousand five hundred and six dollars.

SEC. 6. *And be it further enacted,* That the aforesaid appropriations shall be paid out of the sum of six hundred thousand dollars, reserved by the act "making provision for the debts of the United States."

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

[Obsolete.]

Relative to the loan offices.

Navy Department.

Accountant of the Navy Department.

Contingencies of this session of Congress.

For repaying the Bank for certain protested bills.

How these appropriations shall be paid.
Ante, p. 138.

STATUTE II.

July 16, 1798.

[Obsolete.]

Act of June 13, 1798, ch. 53.

CHAP. LXXXVIII.—*An Act to amend the act entitled "An act to suspend the Commercial Intercourse between the United States and France, and the dependencies thereof."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision for giving bond and finding sufficient surety or sureties, for vessels bound on foreign voyages, as required in the second section of the act, entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," shall extend no further, than to obligations to the amount of the value of the vessels respectively, and to a sum in addition thereto equal to one third of the value of the cargo. *Provided,* that in no case the surety or sureties shall be answerable for more than ten thousand dollars, any thing in the act above mentioned to the contrary notwithstanding.

APPROVED, July 16, 1798.

STATUTE II.

July 16, 1798.

CHAP. LXXXIX.—*An Act allowing an additional compensation to the Secretary of the Senate, and Clerk of the House of Representatives, and to their Clerks, for their services, during the present session of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the secretary of the Senate, and to the clerk of the House of Representatives, each, two hundred dollars; and to the principal and the engrossing clerks in the office of the secretary of the Senate, and of the clerk of the House of Representatives, the sum of one hundred dollars, each, as an additional compensation for their services, during the present session of Congress.

APPROVED, July 16, 1798.

June 22, 1798.

The Secretary of State to cause the papers relative to the late mission to France, to be printed and distributed.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he hereby is authorized and directed to cause to be printed a number of copies, not exceeding ten thousand, of the instructions to the envoys extraordinary and ministers plenipotentiary of the United States, to the French Republic, and of all the despatches hitherto received from them, and which have been communicated by the President of the United States to both Houses of Congress, and to cause the same to be distributed, gratis, throughout the United States, and particularly, in such parts thereof, wherein the dissemination of information, through the medium of newspapers, is the most obstructed.

APPROVED, June 22, 1798.

ACTS OF THE FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the third session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the third day of December, 1798, and ended on the third day of March, 1799.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; JAMES ROSS, President of the Senate pro tempore, from March 2d, 1799; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE III.

CHAPTER I.—*An Act for the punishment of certain Crimes therein specified.*

Jan. 30, 1799.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person, being a citizen of the United States, whether he be actually resident, or abiding within the United States, or in any foreign country, shall, without the permission or authority of the government of the United States, directly or indirectly, commence, or carry on, any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or defeat the measures of the government of the United States; or if any person, being a citizen of, or resident within the United States, and not duly authorized, shall counsel, advise, aid or assist in any such correspondence, with intent, as aforesaid, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months, nor exceeding three years: *Provided always,* that nothing in this act contained shall be construed to abridge the right of individual citizens of the United States to apply, by themselves, or their lawful agents, to any foreign government, or the agents thereof, for the redress of any injuries in relation to person or property which such individuals may have sustained from such government, or any of its agents, citizens or subjects.

Penalty on a citizen of the United States for holding correspondence with a foreign government or its agents, with intent to influence the measures of such government in relation to disputes or controversies with the United States.
Aiders and abettors.

Proviso.

APPROVED, January 30, 1799.

STATUTE III.

CHAP. II.—*An Act further to suspend the Commercial Intercourse between the United States and France, and the dependencies thereof.*

Feb. 9, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the third day of March next, no ship or vessel owned, hired or employed, wholly, or in part, by any person resident within the United States, and which shall depart therefrom, shall be allowed to proceed directly, or from any intermediate port or place, to any port or place within the territory of the French Republic, or the dependencies thereof,

[Expired.]
After 3d of March, vessels not to go to French ports; nor to be employed in certain traffic.
Act of Feb. 27, 1800, ch. 10.

Vessels con-
travening to be
forfeited, to-
gether with their
cargoes.

Bond to be
given on clear-
ing for a foreign
voyage.

Sureties not
to be answer-
able beyond
\$10,000.

French ves-
sels and certain
others, not to be
allowed to enter
or remain with-
in the U. States
except in the
case of distress.

or to any place in the West Indies, or elsewhere, under the acknowledged government of France, or shall be employed in any traffic or commerce with or for any person resident within the jurisdiction, or under the authority of the French Republic. And if any ship or vessel, in any voyage thereafter commencing, and before her return within the United States, shall be voluntarily carried or suffered to proceed to any French port or place, as aforesaid, or shall be employed, as aforesaid, contrary to the intent hereof, every such ship or vessel, together with her cargo, shall be forfeited; and shall accrue, the one half to the use of the United States, and the other half to the use of any person or persons, citizens of the United States, who will inform and prosecute for the same; and shall be liable to be seized, and may be prosecuted and condemned, in any circuit or district court of the United States, which shall be holden within or for the district where the seizure shall be made.

SEC. 2. *And be it further enacted*, That from and after the passing of this act, no clearance for a foreign voyage shall be granted to any ship or vessel, owned, hired or employed, wholly or in part, by any person resident within the United States, until a bond shall be given, to the use of the United States, wherein the owner or employer, if usually resident or present where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such ship or vessel, for the intended voyage, shall be parties, in a sum equal to the value of the ship or vessel, and to one third of the value of her cargo, and shall find sufficient surety or sureties to the amount of one half of the principal sum, with condition that the same shall not, during her intended voyage, or before her return within the United States, proceed or be carried, directly or indirectly, to any port or place within the territory of the French Republic, or the dependencies thereof, or any place in the West Indies, or elsewhere, under the acknowledged government of France, unless by actual force and violence, to be fully proved and manifested before the acquittance of such bond, and that such vessel is not, and shall not be employed, during her intended voyage, or before her return, as aforesaid, in any traffic or commerce, with or for any person resident within the territory of that Republic, or in any of the dependencies thereof: *Provided*, that in no case, the surety or sureties shall be answerable for more than ten thousand dollars.

SEC. 3. *And be it further enacted*, That from and after the said third day of March, no French ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the French Republic, or owned, fitted, hired or employed by any person resident within the territory of that Republic, or any of the dependencies thereof, or sailing or coming therefrom, (excepting as is herein after excepted) shall be allowed an entry, or to remain within the territory of the United States, unless driven thither by distress of weather, or in want of provisions. And if, contrary to the intent hereof, any such ship or vessel shall be found within the jurisdictional limits of the United States, not being liable to seizure for any other cause, the company having charge thereof, shall be required to depart and carry away the same, avoiding all unnecessary delay; and if they shall, notwithstanding, remain, it shall be the duty of the collector of the district wherein, or nearest to which, such ship or vessel shall be, to seize and detain the same, at the expense of the United States: *Provided*, that in the case of vessels hereby prohibited, which shall be driven by distress of weather, or want of provisions, into any port or place of the United States, they may be suffered to remain under the custody of the collector there, or nearest thereto, until suitable repairs or supplies can be obtained; and as soon as may be thereafter, shall be required and suffered to depart; but no part of the lading of such vessel shall be taken out, or disposed of, unless by the

special permit of such collector, to defray the unavoidable expense of such repairs or supplies.

SEC. 4. *Provided, and be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interest of the United States, by his order, to remit and discontinue, for the time being, the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port or place belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order, whenever, in his opinion, the interest of the United States shall require; and he shall be, and hereby is authorized to make proclamation thereof accordingly.

President may order these restraints and prohibitions to be discontinued; and again revoke such order

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, to give instructions to the commanders of the public armed ships of the United States, to stop and examine any ship or vessel of the United States on the high sea, which there may be reason to suspect to be engaged in any traffic or commerce contrary to the true tenor hereof; and if, upon examination, it shall appear that such ship or vessel is bound or sailing to any port or place within the territory of the French Republic, or her dependencies, contrary to the intent of this act, it shall be the duty of the commander of such public armed vessel, to seize every ship or vessel engaged in such illicit commerce, and send the same to the nearest port in the United States; and every such ship or vessel, thus bound or sailing to any such port or place, shall, upon due proof thereof, be liable to the like penalties and forfeitures, as are provided in and by the first section of this act.

He may instruct the public armed ships to stop and examine suspected vessels, and send them into port.

SEC. 6. *And be it further enacted*, That whenever any ship or vessel, owned wholly or in part, or employed by any citizen or citizens of the United States, and coming from any port or place within the territory of the French Republic, or the dependencies thereof, which has arrived within any port or place of the United States since the first day of December last past, or which shall hereafter arrive, hath been or hereafter shall be seized and detained by virtue of this act, or of an act, intitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," it shall be lawful for any person claiming such ship or vessel, to prefer his petition to the judge of the district in which such seizure shall be made, setting forth the circumstances of his case, and to pray that the same ship or vessel, and her cargo, may be restored; and the said judge shall thereupon inquire, in a summary manner, into the circumstances of the case, first causing reasonable notice to be given to the attorney of the United States for such district, and to the collector of the district by whom such seizure or detention hath been or shall be made, that each may have an opportunity of showing cause against the prayer of such petition; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury; and if it shall appear to his satisfaction, that such ship or vessel was captured or driven into such port or place by distress of weather, or want of provisions, or was unavoidably detained and delayed by some embargo, arrest, capture, contrary winds, or other unavoidable casualty, without any fault, wilful negligence, or intention to evade the provisions of the act before mentioned, or of this act, in any such claimant, the Secretary of the Treasury shall order the restoration of said vessel and cargo to such claimant, upon such terms and conditions as he may deem reasonable and just; otherwise, and in all cases wherein such petition shall not be presented, every ship or vessel that has arrived since the said first day of December, from any port or place in the French Republic, or the dependencies thereof, or which shall hereafter arrive within any port or place of the United States, unless driven by stress of

Mode of obtaining relief in certain cases of seizure under this and the former act.

weather or want of provisions, shall be liable to be prosecuted and condemned in the same manner and to the same uses as are provided in and by the first section of this act; and like proceedings shall also be had and like forfeitures incurred, as are herein provided with respect to vessels coming from France, and the dependencies thereof, in all cases when any ship or vessel shall arrive in any port or place of the United States, from any port or place, with which all commercial intercourse shall be prohibited by proclamation, according to the intent of this act.

President may grant permission to enter or clear in special cases.

SEC. 7. *Provided, and be it further enacted,* That nothing in this act contained shall extend to any ship or vessel to which the President of the United States shall grant a permission to enter or to clear; which permission he is hereby authorized to grant to vessels which shall be solely employed in any purpose of political or national intercourse, or to aid the departure of any French persons, with their goods and effects, who shall have been resident within the United States, when he may think requisite.

Limitation of this act.

SEC. 8. *And be it further enacted,* That this act shall continue and be in force until the third day of March, in the year one thousand eight hundred.

APPROVED, February 9, 1799.

STATUTE III.

Feb. 15, 1799.

CHAP. III.—*An Act respecting Balances reported against certain States, by the Commissioners appointed to settle the Accounts between the United States and the several States.*

[Expired.]

Debtor states assuming to pay or to expend in fortifications a sum in money or in stock, equal to their debts, may obtain a discharge, &c.

Ante, p. 49.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any state, against which a balance was reported by the commissioners appointed to settle the accounts between the United States and the several states, shall, on or before the first day of April, one thousand eight hundred, by a legislative act, engage to pay into the treasury of the United States within five years after passing such legislative act, or to expend, within the time last mentioned, in erecting, enlarging or completing any fortifications for the defence of the United States at such place or places the jurisdiction whereof, having been, previously to such expenditure, ceded by such state to the United States, with reservation that process civil and criminal issuing under authority of such state, may be served and executed therein, and according to such plan or plans as shall be approved by the President of the United States, a sum in money, or in stock of the United States, equal to the balance reported as aforesaid, against such state, or to the sum assumed by the United States in the debt of such state, such payment or expenditure, when so made, shall be accepted by the United States as a full discharge of all demands on account of said balance; and the President of the United States shall be, and hereby is authorized to cause credit to be given to such state on the books of the treasury of the United States accordingly: *Provided however,* that no more than one third part of the whole payment or expenditure that may be made by any such state shall be made in three per cent stock, nor more than one third part of the remaining two thirds shall be made in deferred stock: *And provided also,* that any such state may obtain a full discharge, as aforesaid, by the payment or expenditure of a sum of money, sufficient in the opinion of the Secretary of the Treasury, to purchase, at market price, the different species of stock, the payment or expenditure of which would be accepted as a full discharge, as aforesaid.

Ante, p. 554.

Limitation of the descriptions of stock to be paid or expended.

Such state may obtain a discharge by the payment or expenditure of a sum of money, &c.

Provision including expenditures on fortifications before their cession to the U. States.

SEC. 2. *Provided always, and be it further enacted,* That if any such state as is aforesaid shall have expended, since the establishment of the present government of the United States, any sum of money in fortifying any place since ceded by such state to the United States, or

which may be so ceded, within one year after the passing of this act, such expenditure having been ascertained and proved to the satisfaction of the Secretary of the Treasury, shall be taken and allowed as part of the expenditure intended by this act.

APPROVED, February 15, 1799.

STATUTE III.

CHAP. VI.—*An Act to authorize the reimbursement of monies expended in rendering aid to sick and destitute American Seamen, in foreign countries.*

Feb. 19, 1799.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and hereby is authorized, under the direction of the President of the United States, to reimburse such reasonable advances of money, as have been made, or, during the present year, may be made, by the consuls of the United States, in affording relief to sick and destitute American seamen, in foreign countries, or in aiding them to return to their homes, beyond the sum allowed by law for that purpose.

APPROVED, February 19, 1799.

STATUTE III.

CHAP. VIII.—*An Act to amend an act entitled "An act giving effect to the Laws of the United States within the district of Tennessee."*

Feb. 19, 1799.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who shall commit an offence against the laws of the United States, on the east side of Cumberland mountain, within the district of Tennessee, shall not be held to answer at the court at Nashville, or any other place, on the west side of said mountain, and that any person who shall commit an offence against the laws of the United States on the west side of said mountain, within the said district, shall not be held to answer, at the court at Knoxville, or any other place, upon the east side of said mountain, but that all persons who shall commit offences against the laws of the United States (within the said district) shall be held to answer in the court on that side of the said mountain, where such offence shall have been committed.

Offenders to answer on that side of Cumberland mountain, where their offences were committed.

Ante, p. 496.

Act of April 29, 1802, ch. 31, sec. 16.

SEC. 2. *And be it further enacted,* That any suits which shall be brought by the United States, in the district court of Tennessee, against any person residing on the east side of said mountain, shall not be returned to the court at Nashville, on the west side of the said mountain, and that any suits which shall be brought by the United States, against any person residing upon the west side of said mountain, shall not be returned to the court at Knoxville, on the east side of the said mountain. But that all suits which shall be brought by the United States against any person or persons residing on the respective sides of the said mountain, shall be returned to the court, on that side of the said mountain, where the defendant or defendants shall reside, or be found at the time of bringing such suit or suits.

Suits by the United States to be returned to the court on that side of the mountain where the defendants are found.

SEC. 3. *And be it further enacted,* That the western foot of Cumberland mountain shall be the boundary, dividing the jurisdiction of the eastern from the western side of said mountain.

Western foot of Cumberland mountain to be the boundary.

SEC. 4. *And be it further enacted,* That all suits which may be brought as aforesaid, shall be proceeded upon to final judgment in the court wherein such suit or suits shall have been originally returned, and it shall be the duty of the clerk for the district of Tennessee, to keep two separate dockets, for the purposes aforesaid—one for the court at Nashville, and one for the court at Knoxville—*Provided,* that nothing in this act shall be so construed, as to prevent writs of execution issued from either of the said courts, being executed on the person or property

Suits to be proceeded upon to final judgment in the court to which they are returned, &c.

No restriction as to executions.

of the defendant or defendants, in any part of the district of Tennessee, in the same manner as if this act had never been made.

APPROVED, February 19, 1799.

STATUTE III.

Feb. 19, 1799.

CHAP. IX.—*An Act appropriating a certain sum of money to defray the expense of holding a Treaty or Treaties with the Indians.*

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum not exceeding twenty-five thousand dollars, be appropriated to defray the expense of such treaty or treaties as the President of the United States shall deem expedient to hold with the Indians: *Provided*, nothing in this act contained shall be construed to admit an obligation on the part of the United States to extinguish, for the benefit of any state or individual citizen, Indian claims to any lands lying within the limits of the United States; and that the compensation to be allowed to any of the commissioners appointed, or who may be appointed for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day, during the time of actual service of such commissioner.

SEC. 2. *And be it further enacted*, That the sum aforesaid shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, February 19, 1799.

STATUTE III.

Feb. 25, 1799.

CHAP. X.—*An Act fixing the pay of the Captains and Commanders of ships and vessels of war of the United States.*

[Obsolete.]

By what officers vessels of the U. States are to be commanded.

Ante, p. 556.

Pay and allowance to captains and commanders.

Allowance to commanders of squadrons and the commander of the navy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the vessels in the service of the United States, mounting twenty guns and upwards, be commanded by captains—those not exceeding eighteen guns (except galleys, which are to be commanded as heretofore provided by law) by masters or lieutenants, according to the size of the vessel, to be regulated by the President of the United States.

SEC. 2. *And be it further enacted*, That the pay of captains commanding ships of thirty-two guns and upwards, be one hundred dollars per month, and eight rations per day; of captains commanding ships of twenty and under thirty-two guns, seventy-five dollars per month and six rations per day; of a master commandant, sixty dollars per month and five rations per day; and of lieutenants, who may command the smaller vessels, fifty dollars per month, and four rations per day.

SEC. 3. *And be it further enacted*, That whenever any officer, as aforesaid, shall be employed in the command of a squadron, on separate service, the allowance of rations to such commanding officer shall be doubled during the continuance of such command, and no longer, except in the case of the commanding officer of the navy, whose allowance, while in service, shall always be at the rate of sixteen rations per day.

APPROVED, February 25, 1799.

STATUTE III.

Feb. 25, 1799.

CHAP. XI.—*An Act making appropriations for defraying the expenses which may arise, in carrying into effect certain Treaties between the United States and several tribes or nations of Indians.*

[Obsolete.]

Treaties of New York and Colerain with the Creeks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses which may arise in carrying into effect the

following treaties, viz.: A treaty made and concluded with the Creeks at the city of New York, on the seventh day of April, one thousand seven hundred and ninety, and a further treaty with the said Creeks made and concluded at Colerain, in the state of Georgia, on the twenty-ninth of June, one thousand seven hundred and ninety-six: A treaty made and concluded with the chiefs and warriors of the Six Nations on the eleventh November, one thousand seven hundred and ninety-four: An agreement made and entered into with the chiefs of the Chickasaw nation, in Philadelphia, on the fifteenth July, one thousand seven hundred and ninety-four, to pay to the said nation goods to the amount of three thousand dollars annually: And the treaty made and concluded at Tellico with the Cherokee tribe or nation, on the second day of October, one thousand seven hundred and ninety-eight; and a treaty of Holston, mentioned in the same:—The money arising under the revenue laws of the United States, which have been heretofore passed and not already appropriated to any other purpose, that is to say, so much thereof as may be necessary, be, and is hereby pledged and appropriated for the payment of the annuities stipulated as aforesaid, to be paid to the said Indian tribes or nations, and to continue so pledged and appropriated so long as the said treaties and agreement shall be in force. And that a further sum of ten thousand dollars out of the money aforesaid, be, and hereby is appropriated to defray the cost of transportation, and other contingent charges which may arise from the payment of said annuities according to the stipulations made and entered into with the aforesaid nations, tribes or Indians.

APPROVED, February 25, 1799.

CHAP. XII.—*An Act respecting Quarantines and Health Laws.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the quarantines and other restraints, which shall be required and established by the health laws of any state, or pursuant thereto, respecting any vessels arriving in, or bound to, any port or district thereof, whether from a foreign port or place, or from another district of the United States, shall be duly observed by the collectors and all other officers of the revenue of the United States, appointed and employed for the several collection districts of such state respectively, and by the masters and crews of the several revenue cutters, and by the military officers who shall command in any fort or station upon the sea-coast; and all such officers of the United States shall be, and they hereby are, authorized and required, faithfully to aid in the execution of such quarantines and health laws, according to their respective powers and precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury of the United States. And the said Secretary shall be, and he is hereby authorized, when a conformity to such quarantines and health laws shall require it, and in respect to vessels which shall be subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries: *Provided*, that nothing herein shall enable any state to collect a duty of tonnage or impost without the consent of the Congress of the United States thereto: *And provided*, that no part of the cargo of any vessel shall, in any case, be taken out or unladen therefrom, otherwise than as by law is allowed, or according to the regulations hereinafter established.

SEC. 2. *And be it further enacted,* That when, by the health laws of any state, or by the regulations which shall be made pursuant thereto, any vessel arriving within a collection district of such state, shall be prohibited from coming to the port of entry or delivery by law established

Treaty with the Six Nations.

Agreement with the Chickasaws.

Treaty with Cherokees at Tellico.

Treaty of Holston.

Permanent appropriation for the annuities stipulated in those treaties.

\$10,000 appropriated for the expense of transportation. &c.

STATUTE III.

Feb. 25, 1799.

1796, ch. 31.

Quarantines and other restraints imposed by the health laws of the states to be observed by certain officers of the U. States;

who shall aid in their execution.

Secretary of the Treasury may vary the regulations relative to the entry and report of vessels and their cargoes.

Provisoes.

Vessels prohibited from coming to ports of entry or delivery, may, in

certain cases, discharge their cargoes elsewhere.

for such district, and it shall be required or permitted by such health laws, that the cargo of such vessel shall or may be unladen at some other place within or near to such district, the collector authorized therein, after due report to him of the whole of such cargo, may grant his especial warrant or permit for the unloading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health laws shall permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, reasonably judge expedient for the security of the public revenue: *Provided*, that in every such case, all the articles of the cargo so to be unladen, shall be deposited at the risk of the parties concerned therein, in such public or other warehouses or inclosures, as the collector shall designate, there to remain under the joint custody of such collector and of the owner or owners, or master, or other person having charge of such vessel, until the same shall be entirely unladen or discharged; and until the goods, wares or merchandise which shall be so deposited may be safely removed, without contravening such health laws; and when such removal may be allowed, the collector having charge of such goods, wares or merchandise, may grant permits to the respective owners or consignees, their factors or agents, to receive all goods, wares or merchandise, which shall be entered, and whereof the duties accruing shall be paid or secured, according to law, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures.

Warehouses, &c. may be procured for the reception of such cargoes.

SEC. 3. *And be it further enacted*, That there shall be purchased or erected, under the orders of the President of the United States, suitable warehouses, with wharves and inclosures, where goods and merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health laws of any state as aforesaid, at such convenient place or places therein, as the safety of the public revenue, and the observance of such health laws may require.

In case of contagious or epidemical disease at the ports of entry, the officers may be removed.

SEC. 4. *And be it further enacted*, That when, by the prevalence of any contagious or epidemical disease, in or near the place by law established, as the port of entry for any collection district, it shall become dangerous or inconvenient for the collector and the other officers of the revenue employed therein, to continue the discharge of their respective offices at such port, the Secretary, or in his absence, the comptroller of the treasury of the United States, may direct and authorize the removal of the collector, and the other officers employed in his department, from such port, to any other more convenient place, within, or as near as may be to such collection district, where such collector and officers may exercise the same authorities, and shall be liable to the same duties, according to existing circumstances, as in such lawful port or district; and of such removal, public notice shall be given as soon as may be.

In case of such disease prisoners may be removed.

SEC. 5. *And be it further enacted*, That it shall be lawful for the judge of any district court of the United States, within whose district any contagious or epidemical disease shall at any time prevail, so as in his opinion, to endanger the life or lives of any person or persons confined in the prison of such district, in pursuance of any law of the United States, to direct the marshal to cause the person or persons confined as aforesaid, to be removed to the next adjacent prison where such disease does not prevail, there to be confined, until he, she or they may safely be removed back to the place of their first confinement; which removals shall be at the expense of the United States.

The public offices may be removed in case

SEC. 6. *And be it further enacted*, That in case of the prevalence of a contagious or epidemical disease at the seat of government, it shall be lawful for the President of the United States to permit and direct the

removal of any or all the public offices to such other place or places as, in his discretion, shall be deemed most safe and convenient for conducting the public business.

SEC. 7. *And be it further enacted*, That whenever, in the opinion of the chief justice, or in case of his death, or inability, of the senior associate justice of the supreme court of the United States, a contagious sickness shall render it hazardous to hold the next stated session of the said court at the seat of government, it shall be lawful for the chief or such associate justice, to issue his order to the marshal of the district within which the supreme court is by law to be holden, directing him to adjourn the said session of the said court to such other place within the same, or an adjoining district, as he may deem convenient; and the said marshal shall thereupon adjourn the said court, by making publication thereof in one or more public papers printed at the place by law appointed for holding the same, from the time he shall receive such order, until the time by law prescribed for commencing the said session. And the district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the district and circuit courts within their several districts, to some convenient place within the same respectively.

SEC. 8. *And be it further enacted*, That the act, intituled "An act relative to quarantine," passed in the first session of the fourth Congress of the United States, shall be, and the same is hereby repealed.

APPROVED, February 25, 1799.

of disease at the seat of government.

Supreme court may in such case be adjourned to a different place.

Also the district and circuit courts.

Repeal of the Act of May 27, 1796, ch. 31.

STATUTE III.

Feb. 25, 1799.

CHAP. XIII.—*An Act for the augmentation of the Navy.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That under the orders of the President of the United States, and in addition to the naval armament already authorized by law, there shall be built within the United States, six ships of war, of a size to carry, and which shall be armed with not less than seventy-four guns each; and there shall be built or purchased within the United States, six sloops of war, of a size to carry, and which shall be armed with eighteen guns each, or not exceeding that force; all which ships and vessels shall be procured, manned and employed as soon as may be, for the service of the United States: And in part of the necessary expenditures to be incurred herein, a sum not exceeding one million of dollars, shall be, and is hereby appropriated, and shall be paid out of any monies which shall be in the treasury of the United States, not otherwise appropriated.

[Obsolete.]

Six ships of not less than 74 guns, and six sloops of war of 18 guns to be procured &c.

One million of dollars appropriated.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to augment, at his discretion, the force of any ship or vessel, now in the service, or building for the service of the United States, by allowing an additional number of guns and men therein, beyond the established rate, and according to the respective size and capacity of such ship or vessel: And a sum not exceeding thirty-five thousand dollars, shall be, and is hereby appropriated to defray the expense of such augmentation, and shall be paid out of any monies which shall be in the treasury of the United States, not otherwise appropriated.

The President may augment the force of the other vessels.

\$35,000 appropriated.

SEC. 3. *And be it further enacted*, That the President of the United States shall be, and is hereby authorized to place on the naval establishment, and employ accordingly, all or any of the vessels, which, as revenue cutters, have been increased in force, and employed in the defence of the sea-coast, pursuant to the act, intituled "An act providing a naval armament;" and thereupon, the officers and crews of such vessels, may be allowed, at the discretion of the President of the United States, the pay, subsistence, advantages and compensations, proportionably to the

Revenue cutters whose force has been increased may be placed on the naval establishment.

Ante, p. 533.

rates of such vessels, and shall be governed by the rules and discipline, which are, or which shall be established for the navy of the United States.

APPROVED, February 25, 1799.

STATUTE III.

Feb. 25, 1799.

CHAP. XV.—*An Act authorizing the establishment of Docks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That two docks, for the convenience of repairing the public ships and vessels, be erected in suitable places, under the direction of the President of the United States, and that the sum of fifty thousand dollars be appropriated towards effecting this object, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, February 25, 1799.

STATUTE III.

Feb. 25, 1799.

CHAP. XVI.—*An Act authorizing the purchase of Timber for naval purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized to direct a sum not exceeding two hundred thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, to be laid out in the purchase of growing or other timber, or of lands on which timber is growing, suitable for the navy, and to cause the proper measures to be taken to have the same preserved for the future uses of the navy.

APPROVED, February 25, 1799.

STATUTE III.

Feb. 28, 1799.

CHAP. XVII.—*An Act to alter the Stamp Duties imposed upon Foreign Bills of Exchange and Bills of Lading, by an act intituled "An act laying duties on stamped vellum, parchment and paper;" and further to amend the same.*

[Repealed.]

Former duty on foreign bills of exchange and bills of lading repealed.

Act of July 6, 1797, ch. 11.

New duties imposed on foreign bills of exchange, bills of lading, and policies of assurance.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirty-first day of March next, the duties imposed by an act, intituled "An act laying duties on stamped vellum, parchment and paper," upon foreign bills of exchange and bills of lading, shall cease and determine; and from and after the said thirty-first day of March next, there shall be levied and paid throughout the United States, the several stamp duties following, to wit:—On every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be written or printed any or either of the instruments following, to wit:—Any foreign bill of exchange, draft or order for the payment of money in any foreign country, twenty cents; any note or bill of lading, or writing or receipt in the nature thereof, for any goods or merchandise to be exported, if from one district to another district of the United States, not being in the same state, four cents; if to be exported to any foreign port or place, ten cents; any policy of assurance, or instrument in nature thereof, other than those specified in the above recited act, when the sum, for which insurance is made, shall not exceed five hundred dollars, twenty-five cents; and when the sum insured shall exceed five hundred dollars, one dollar. And the said duties shall be chargeable upon each and every bill of exchange and bill of lading, without respect to the number contained in a set.

Foreign bills of exchange not to be stamped

SEC. 2. *And be it further enacted,* That from and after the said thirty-first day of March, it shall not be lawful for any supervisor, or other person employed for the stamping of vellum, parchment or paper,

to stamp any foreign bill of exchange, draft or order, for the payment of money in any foreign country, after the same shall be written or drawn. And if any person or persons, from or after the said thirty-first day of March, shall presume to write or draw, or cause to be written or drawn any such foreign bill, draft or order, or any duplicate or triplicate thereof, before the vellum, parchment or paper on which the same shall be drawn, shall be duly stamped, or shall sell, loan, endorse or remit any such foreign bill, draft or order, unless every duplicate, triplicate, and other bill of the same tenor and date, which shall be drawn, or intended to be drawn, shall be first duly stamped; then, and in every such case, the person or persons so offending, shall, for each offence, forfeit and pay a sum not exceeding one hundred dollars, according to the nature and aggravation of the offence.

SEC. 3. *And be it further enacted*, That if any person or persons, at any time after the said thirty-first day of March next, shall knowingly and fraudulently write or engross, or cause to be written or engrossed, the whole or any part of any bond, bill, instrument, or other writing whatsoever, in respect whereof any duty is payable by the acts of Congress, or any of them, on the whole or any part of any piece of vellum, parchment or paper whereon there shall have been before written any other bond, bill, instrument, or other writing, in respect whereof any duty was payable by the said acts, or either of them, before such vellum, parchment or paper shall have been again marked or stamped, according to the said acts; or shall fraudulently erase or scrape out, or cause to be erased or scraped out, the name or names of any person or persons, or any sum, date or other thing written in such bond, bill, instrument or writing, or fraudulently cut, tear or get off, any mark or stamp from any piece of vellum, parchment or paper, or part thereof, with intent to use such stamp or mark for any writing or thing, in respect whereof any duty shall be payable by virtue of the said acts, or either of them, that then, so often, and in every such case, every person, so offending, shall, for every such offence, forfeit the sum of two hundred dollars, and costs of suit.

SEC. 4. *And be it further enacted*, That if any writings, matters and things, in respect whereof any of the said duties shall be payable, and which shall be engrossed or written, after the said thirty-first day of March next, shall be written at a distance from the stamps or marks which shall, in pursuance of the said acts, or any of them, be placed on the vellum, parchment or paper, whereupon the same shall be written or engrossed, with intent fraudulently to evade the duties imposed by the said acts, or any of them, the person who shall write or engross, or cause to be written or engrossed any such writing, matter or thing, contrary to the tenor and true meaning hereof, shall, for every such offence, forfeit the sum of one hundred dollars, and full costs of suit.

SEC. 5. *And be it further enacted*, That the duties imposed by this act, shall be levied and collected in the same manner, and by the same persons, and under the same regulations, fines, penalties and forfeitures which are provided in and by the acts of Congress now in force, respecting the duties on stamped vellum, parchment and paper. And the said fines, penalties and forfeitures shall be sued for, and recovered in the same manner, and to the same uses, as are provided in the said acts.

SEC. 6. *And be it further enacted*, That no duties shall be levied or collected upon any bonds required in any case by the laws of the United States, or of any state, upon legal process, or in any judicial proceeding, or for the faithful performance of any trust or duty; any thing in the above recited act to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That the supervisors shall severally be allowed upon all stamp duties, and upon all fines accruing thereupon, which shall be collected and accounted for by them respectively, the

after they are drawn.

Penalty on writing such bills before they are stamped, or selling, loaning, &c.

Penalty on fraudulently writing on old stamped instruments;

or altering the stamps.

or transferring them.

Penalty on fraudulently writing at a distance from the stamp.

How the duties imposed by this act shall be collected.

Fines, &c.

Exemption of bonds required by the laws of the U. States or of the individual states in certain cases.

Allowances to supervisors and inspectors.

commissions following, to wit: Upon all duties collected from persons other than officers of the revenue, and upon all fines, a commission of four per centum; upon all duties received from officers of the revenue, or which are collected and duly accounted for by said officers, a commission of one per centum; and that the inspectors of surveys, not being also supervisors, shall, severally, be allowed upon all stamp duties, and upon all fines accruing thereupon, which shall be collected and accounted for by them, respectively, a commission of one and a half per centum. And the allowances aforesaid shall extend to the duties and fines which have been heretofore, or may be hereafter collected and accounted for, in manner aforesaid, in pursuance of the act, intituled "An act laying duties upon stamped vellum, parchment and paper," as well as to all duties and fines authorized by this act.

APPROVED, February 28, 1799.

STATUTE III.

Feb. 28, 1799.

CHAP. XVIII.—*An Act concerning French Citizens that have been, or may be captured and brought into the United States.*

President authorized to send to the dominions of France captured French citizens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized to exchange or send away from the United States to the dominions of France, as he may deem proper and expedient, all French citizens that have been or may be captured and brought into the United States, in pursuance of the act, intituled "An act in addition to the act more effectually to protect the commerce and coasts of the United States."

APPROVED, February 28, 1799.

STATUTE III.

Feb. 28, 1799.

CHAP. XIX.—*An Act providing compensation for the Marshals, Clerks, Attornies, Jurors and Witnesses in the Courts of the United States, and to repeal certain parts of the acts therein mentioned; and for other purposes.*(a)

1813, ch. 14.

To the marshals.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, the compensation to the several officers herein after mentioned, shall be as follows, to wit: to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment or process issuing out of any courts of the United States, two dollars—and in case there be more than one person named in the said writ, warrant, attachment or process, then two dollars for each person so named; for his travel out in serving each writ, warrant, attachment or process aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto, the extra travel which shall be necessary to serve it on the other; for each bail bond, fifty cents; for actually summoning witnesses or appraisers, each fifty cents; for every commitment or discharge of a prisoner, fifty cents; for every proclamation in the admiralty, thirty cents; for sales of vessels, or other property, and for receiving and paying the money, for any sum under five hundred dollars, two and one half per cent; for any larger sum, one and one quarter per cent, upon the excess; for summoning each grand and other jury, four dollars: *Provided*, that in no case shall the fees for summoning jurors to any one court, exceed fifty dollars; and in those states where jurors, by the laws of the state, are drawn by constables, or other officers of

(a) An act concerning suits and costs in the courts of the United States, July 22, 1813, chap. 14.

corporate towns or places, by lot, the marshal shall receive for the use of the officers employed in summoning the jurors and returning the venire, the sum of two dollars, and for his own trouble in distributing the venire, the sum of two dollars; for attending the supreme or circuit court, five dollars per day; (a) and for attending the district court, where such court has the powers and cognizance of a circuit court, five dollars per day; and for attending the district courts in other cases, four dollars per day, and at the rate of ten cents per mile, for his travel from the place of his abode to either of the said courts—for all other services, not herein enumerated, except as shall be hereafter provided, such fees and compensations as are allowed in the supreme court of the state where such services are rendered: And the annual sum of two hundred dollars as a full compensation for all extra services, shall be allowed to each marshal for the districts of Tennessee, Kentucky, New Hampshire, Vermont, and Maine.

1803, ch. 7,
sec. 5.

SEC. 2. *And be it further enacted*, That when a deputy marshal, who shall be duly appointed by the marshal of any district, shall reside and be more than twenty miles from the place where the district judge of such district shall reside and be, the oath of office required of such deputy, before he enters on the discharge thereof, may be administered and taken by and before any judge or justice of any state court within the same district, or before any justice of the peace, having authority therein, and being certified by him, to the said district judge, shall be as effectual as if administered or taken before such district judge.

Manner of deputy marshal's taking the oath of office, when he resides at a distance from the district judge.

SEC. 3. *And be it further enacted*, That the compensation to the clerk of the supreme court of the United States, shall be as follows, to wit: for his attendance in court, ten dollars per day, and for his other services, double the fees of the clerk of the supreme court of the state in which the supreme court of the United States shall be holden. To the clerks of circuit and district courts in each state, respectively, the same fees as are allowed in the supreme court of the said state, with an addition thereto of one third of said fees, and five dollars per day for his attendance at any circuit or district court, and at the rate of ten cents per mile for his travel from the place of his abode to either of said courts; and in case a clerk of a court of the United States perform any duty which is not performed by the clerks of the state, and for which the laws of the state make no provision, the court in which such service shall be performed, shall make a reasonable compensation therefor. And in all cases of admiralty jurisdiction, the clerk of the district court shall be allowed the same fees as are prescribed by the second section of an act, passed the first day of March, one thousand seven hundred and ninety-three, intituled "An act to ascertain the fees in admiralty proceedings in the district courts of the United States; and for other purposes."

Compensation for the clerks of the courts of the United States.

1793, ch. 21.

SEC. 4. *And be it further enacted*, That the compensation to the attornies of the respective districts of the United States, shall be as follows, to wit: for each day which any such attorney shall necessarily attend on business of the United States, during the session of any district or circuit court, five dollars; for travelling from the place of his abode to such court, ten cents per mile; and such fees in each state, respectively, as are allowed in the supreme court thereof; and in the district courts, his stated fees in the cases herein mentioned, shall be as follows, to wit: for drawing interrogatories, five dollars; for drawing and exhibiting libel, claim, or answer, six dollars; and for all other services in any one cause, six dollars. And the annual sum of two hundred dollars, as a full compensation for all extra services, shall be allowed and paid by the United

Compensation for the district attornies.

(a) An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned, April 18, 1814, chap. 79; an act to repeal in part an act entitled, "An act to lessen the compensation of marshals, clerks and attorneys, in cases therein mentioned," March 8, 1824, chap. 26.

States, to each district attorney for the districts of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, Delaware, Virginia, North Carolina, Georgia, Kentucky and Tennessee.

Compensation
to the attorney
of the Virginia
district in criminal
cases.

SEC. 5. *And be it further enacted*, That for all services in criminal cases performed by the attorney for the district of Virginia, and for which no fees are allowed by law for similar services in the courts of that state, he shall be allowed such sum or sums as the court in which the same is rendered, shall consider a reasonable compensation therefor.

Compensation
to jurors and
witnesses.

SEC. 6. *And be it further enacted*, That the compensation to jurors and witnesses, in the courts of the United States, shall be as follows, to wit: to each grand and other juror, for each day he shall attend in court, one dollar and twenty-five cents; and for travelling, at the rate of five cents per mile, from their respective places of abode, to the place where the court is holden, and the like allowance for returning; to the witnesses summoned in any court of the United States, the same allowance as is above provided for jurors.

Criers and
persons to at-
tend the courts.

SEC. 7. *And be it further enacted*, That the respective courts of the United States shall appoint criers for their courts, to be allowed the sum of two dollars per day; and that the marshals be, and they are hereby authorized to appoint such a number of persons, not exceeding three, as the judges of their respective courts shall determine, to attend upon the grand and other jurors, and for other necessary purposes, who shall be allowed for their services, the sum of two dollars per day, to be paid by, and included in the accounts of the marshal, out of any money of the United States in his hands.

Informers to
be alone liable
for the fees to
the clerks, &c.

SEC. 8. *And be it further enacted*, That if any informer on a penal statute, and to whom the penalty, or any part thereof, if recovered, is directed to accrue, shall discontinue his suit or prosecution, or shall be nonsuited in the same, or if, upon trial, judgment shall be rendered in favour of the defendant, unless such informer be an officer of the United States, he shall be alone liable to the clerks, marshals, and attorneys for the fees of such prosecution; but if such informer be an officer whose duty it is to commence such prosecution, and the court shall certify there was reasonable ground for the same, then the United States shall be responsible for such fees.

Exception.

Parts of former
acts re-
pealed.

SEC. 9. *And be it further enacted*, That the third section of an act, passed on the eighth day of May, one thousand seven hundred and ninety-two, intituled "An act for regulating process in the courts of the United States, and for providing compensations for the officers of said courts, and for jurors and witnesses," and the second section of an act passed on the first day of June, one thousand seven hundred and ninety-six, intituled "An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensations to jurors and witnesses in the courts of the United States," be, and they are hereby repealed.

1792, ch. 36.
1796, ch. 48.

APPROVED, February 28, 1799.

STATUTE III.

Feb. 28, 1799.

CHAP. XX.—*An Act to amend the act intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States."*

1798, ch. 70.

Part of the
former act re-
pealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," as requires that the lists to be delivered in pursuance of the ninth section thereof, shall specify, in respect to dwelling-houses, "the number and dimensions of their windows," shall be, and hereby is repealed.

SEC. 2. *And be it further enacted*, That the commissioners under the said act, for each state, respectively, shall be, and hereby are authorized to extend the time thereby allowed for receiving appeals by the principal assessors, and also the time so allowed for returning lists by the assistant assessors in all cases where the said commissioners shall deem such extension necessary, and for such time as they shall think expedient, and that so much of the twentieth section of the above mentioned act, as requires all appeals to be made in writing, be, and it is hereby repealed.

Amendments of the former act respecting the time of returning lists and respecting appeals.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall be, and hereby is authorized and empowered, under the direction of the President of the United States, to augment, in cases where he may find it necessary, the compensations fixed for principal and assistant assessors, by said act, so, however, as that no principal or assistant assessor shall, in any case, receive more than two dollars per day, which additional compensations shall be subject to the same rules of settlement as are established by the aforesaid act respecting the compensations therein fixed for principal and assistant assessors.

Compensations to assessors may be augmented.

APPROVED, February 28, 1799.

STATUTE III.

CHAP. XXI.—*An Act altering the time of holding the District Court in Vermont.*

Feb. 28, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the session of the district court for the district of Vermont, by law appointed to be holden at Rutland in said district on the first Monday of May annually, shall hereafter be holden at Rutland in said district on the second Monday of May annually.

1802, ch. 31.
1816, ch. 31.

SEC. 2. *And be it further enacted*, That all process which shall have been issued, and all recognizances returnable, and all suits and other proceedings which have been continued to the said district court on the first Monday of May next, shall be returned and held continued to the said court on the second Monday of May next.

APPROVED, February 28, 1799.

STATUTE III.

CHAP. XXII.—*An Act to regulate the collection of duties on imports and tonnage.*

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the state of New Hampshire shall be one district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the sole port of entry, and the towns of Newcastle, Dover and Exeter, ports of delivery only; but all ships or vessels, bound to or from either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a collector, naval officer and surveyor for the said district, shall be appointed, to reside at Portsmouth; and the authority of the officers of the said district shall, for the purposes of this act, extend to the northern boundary line of the said state of New Hampshire, adjoining to the British colony of Lower Canada. (a)

Districts and ports in New Hampshire.

1801, ch. 6.
1822, ch. 16.
1811, ch. 25.

SEC. 2. *And be it further enacted*, That in the state of Massachusetts there shall be twenty-two districts and ports of entry, to wit: Newburyport, Ipswich, Gloucester, Salem and Beverly, as one; Marblehead, Boston and Charlestown, as one; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, as one; Portland and Falmouth, as one; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, Passamaquody and Waldoborough.

Districts and ports in Massachusetts.

(a) By the act of April 17, 1822, additional districts were established in New Hampshire.

Districts and
ports in Mas-
sachusetts.

To the district of Newburyport, shall be annexed the several towns or landing places of Almsbury, Salisbury, Haverhill and Newbury, which shall be ports of delivery only; and a collector, naval officer, and surveyor for the district shall be appointed, to reside at Newburyport.

To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Gloucester.

To the district of Salem and Beverly shall be annexed the town or landing place of Danvers, as a port of delivery only; and a collector, naval officer and surveyor, for the district, shall be appointed, to reside at Salem, and a surveyor, to reside at the town of Beverly.

To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead.

To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset, Hingham and Weymouth, as ports of delivery only; and a collector, naval officer and surveyor for the district, shall be appointed, to reside at Boston.

To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth.

To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Hardwich, Wellfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable.

In the district of Nantucket, the port of Nantucket shall be the sole port of entry and delivery; and a collector for the district shall be appointed, to reside at Nantucket.

In the district of Edgartown, a collector for the district shall be appointed, to reside at Edgartown.

To the district of New Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New Bedford.

To the district of Dighton shall be annexed Swansea, Somerset, Free-town, Berkeley and Taunton, as ports of delivery only; and a collector for the district shall be appointed to reside at Dighton.

To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York.

To the district of Biddeford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk and Cape Porpoise, as ports of delivery only; and a collector for the district shall be appointed, to reside at Biddeford.

To the district of Portland and Falmouth shall be annexed North Yarmouth, Brunswick, Freeport and Harpswell, as ports of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Portland.

To the district of Bath shall be annexed Hallowell, Pittstown, Topsham, Georgetown and Brunswick, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath.

To the district of Wiscasset shall be annexed the town of Boothbay, as a port of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset.

To the district of Penobscot shall be annexed Frankfort, Bluehill, Hampden and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Castine; which shall be the port of entry for the said district.

To the district of Frenchman's Bay shall be annexed Union River, as

a port of delivery only; and a collector for the district shall be appointed, to reside at Frenchman's Bay.

Districts and
ports in Massa-
chusetts.

For each of the districts of Machias and Passamaquoddy, shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy respectively.

To the district of Waldoborough shall be annexed the towns of Bristol, Nobleborough, Warren, Thomaston, Cushing and Cambden; also that part of a place called Ducktrap, which lies between the towns of Cambden and Northport, as ports of delivery only; and a collector for the district shall be appointed, to reside at Waldoborough, and a surveyor, to reside at Thomaston.

The district of Ipswich shall include the town of Ipswich, as a port of entry only; and a collector for the district shall be appointed, to reside at Ipswich.

The district of Newburyport shall include all the waters and shores from the state of New Hampshire to the north line of Ipswich.

The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester.

The district of Salem and Beverly shall include all the shores and waters within the towns of Beverly, Salem and Danvers.

The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn.

The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex, Suffolk and Norfolk.

The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester.

The district of Barnstable shall include all the waters and shores within the county of Barnstable.

The district of Nantucket shall include the island of Nantucket.

The district of Edgartown shall include all the waters and shores within the county of Duke's county.

The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester and Wareham, together with all the islands within the county of Bristol.

The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth.

The district of Waldoborough shall include all the waters and shores from the middle of Damarascotty river to the southwardly side of the town of Northport.

The collectors of the several districts within that part of the state of Massachusetts, eastward of New Hampshire, shall, from time to time, agree upon a divisional line between their respective districts, and transmit the same to the comptroller of the treasury; and such districts so agreed upon, shall include all the waters, shores, and islands within the same, and all the lands adjoining to the British colonies of New Brunswick and Lower Canada, within the eastern part of the state of Massachusetts aforesaid. And in case of disagreement between any of the said collectors, concerning such divisional line, the President of the United States shall determine the same.

SEC. 3. *And be it further enacted*, That in the state of Rhode Island and Providence Plantations, there shall be two districts, to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks, and inlets, from the west line of the said state, all along the sea-coast; and northward, up the Narraganset bay, as far as the most southerly part of Warwick Neck, and from thence nearly a northeast course, to the south end of Rumstick Point, at high water mark, and shall include the several towns, harbors, and landing places at Westerly, Charleston, South

Districts and
ports in Rhode
Island.

Districts and
ports in Rhode
Island.

Kingston, North Kingston, East Greenwich, and all that part of Warwick southward of Warwick Neck, and also the towns, harbors, and landing places of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors, and landing places of the island of Rhode Island, Jamestown, Prudence, New Shoreham, and every other island and place within the said state, southward of Warwick Neck and Rumstick Point.

The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks and inlets, within the state of Rhode Island, northward of a line running nearly a northeast course from the south end of Warwick Neck to the south end of Rumstick Point at high water mark, including only the waters bounded by the east and west shores of said Rumstick Point and Warwick Neck, leading up the bay of the port of Providence. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval officer and surveyor for the district shall be appointed, to reside at the said town of Newport: and North Kingston, East Greenwich, Barrington, Warren, Bristol and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingston, East Greenwich, Warren, Bristol and Pawcatuck river; and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry, in the said district of Providence; and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence; and a surveyor shall be appointed, to reside at Patuxet.

Districts and
ports in Con-
necticut.

SEC. 4. *And be it further enacted*, That in the state of Connecticut there shall be four districts, to wit: New London, New Haven, Fairfield and Middletown. The district of New London shall extend from the east line of the said state of Connecticut to the east line of the town of Lyme, and shall include the several towns or landing places of Norwich, Stonington and Groton, as ports of delivery only; and New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London; and a surveyor, to reside at Stonington.

The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river, to which shall be annexed the several towns, or landing places of Guildford, Branford, Milford and Derby, as ports of delivery only; and New Haven shall be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven.

The district of Fairfield shall include all the ports and places in the said state of Connecticut west of the district of New Haven, to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford and Greenwich, as ports of delivery only; Fairfield shall be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield.

The district of Middletown shall include the several towns and landing places of Lyme, Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor and East Windsor, of which Middletown shall be the sole port of entry; and the other towns and landing places before named, shall be ports of delivery only; and a collector and surveyor shall be appointed, to reside at Middletown; and a surveyor shall be appointed, to reside at Hartford, and another to reside at Saybrook.

Districts and
ports in New
York.

SEC. 5. *And be it further enacted*, That in the state of New York, there shall be six districts, to wit: Sagg Harbor on Nassau or Long Island, the city of New York, the city of Hudson, Champlain, Oswego and Niagara.

The district of Sagg Harbor shall include all the bays, harbors, rivers and shores, within the two points of land which are called Oyster Pond point, and Mantauck point; and a collector for the district shall be appointed, to reside at Sagg Harbor, which shall be the only port of entry and delivery in the said district.

Districts and
ports in New
York.

The district of the city of New York shall include all such part of the coasts, rivers, bays and harbors of the said state as are not included in other districts of the said state, especially the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, Kinderhook and Albany, as ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at New York, which shall be the sole port of entry for the district; and a surveyor, at the city of Albany: and the President of the United States is authorized, if he judge it expedient, to appoint one other surveyor, to reside at such other place in the said district as he shall appoint.

The district of Hudson shall include all the waters and shores of the said city; and a collector shall be appointed for the said district, to reside at the said city of Hudson, which shall be the sole port of entry and delivery.

The district of Champlain shall include all such shores and waters of Lake Champlain, and the rivers connected therewith, as lie within the said state of New York; and the said district shall extend westwardly along the northern boundary line of the said state, unto the place where said line is bounded by the river St. Lawrence; and the President of the United States is hereby authorized to appoint such place within the said district to be a port of entry and delivery, as he shall judge expedient; and a collector shall be appointed, to reside at the port of entry which may be established within the said district; and the President is also authorized, if he shall judge proper, to appoint, not exceeding two surveyors, to reside at such places as he may judge expedient to constitute ports of delivery only.

The district of Oswego shall include all the shores and waters of the river St. Lawrence, from the place where said river is intersected by the forty-fifth degree of northern latitude, and all the shores and waters of Lake Ontario, and the rivers and waters connected therewith, lying within the jurisdiction of the United States, and within the state of New York, to the eastward of the west bank of Genesee river; and a collector shall be appointed, who shall reside at or near Oswego, at such place as the President of the United States shall appoint to be the port of entry for the district; and the President of the United States is authorized to appoint not exceeding three surveyors, to reside at such places within the said district, as he shall judge proper, and to constitute each or either of such places to be ports of delivery only.

The district of Niagara shall include all the shores and waters of Lake Ontario and Lake Erie, and the rivers connected therewith, lying within the jurisdiction of the United States, and within the state of New York, to the westward of the west bank of Genesee river; and a collector shall be appointed who shall reside at Niagara, which shall be the sole port of entry for the district; and the President of the United States is authorized to appoint, not exceeding two surveyors, to reside at such places within the said district, as he shall judge proper, and to constitute each or either of such places to be the ports of delivery only.

SEC. 6. *And be it further enacted*, That the state of Vermont shall constitute one district, which shall include all such shores and waters of Lake Champlain, and the rivers connected therewith, as lie within the said state, and shall also extend along the northern boundary line of the said state, adjoining to the British colony of Lower Canada; and the President of the United States is authorized to appoint such place within the said district, to be the sole port of entry, as he shall judge

Districts and
ports in Ver-
mont.

Districts and
ports in Ver-
mont.

proper; and a collector shall be appointed to reside thereat; and the President of the United States is also authorized, if he judge it expedient, to establish not exceeding two places as ports of delivery only, and to appoint surveyors for each, or either of said places, at his discretion: *Provided nevertheless*, that the President of the United States may, whenever he shall judge it expedient, and for the interest of the United States, erect the northern boundary line of the said state, adjoining the British colony of Lower Canada, or so much thereof, as he may think proper, into a separate district, and appoint a collector, to reside at such port of entry and delivery, as may be established by the President within the same.

Districts and
ports in New
Jersey.

SEC. 7. *And be it further enacted*, That in the state of New Jersey, there shall be five districts, to wit: Perth Amboy, Burlington, Bridgetown, Great Egg Harbor and Little Egg Harbor, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the state of New Jersey, known by the name of East New Jersey (that part excepted which is hereafter included in the district of Little Egg Harbor), together with all the waters thereof, heretofore within the jurisdiction of the said state; in which district the towns, or landing places of New Brunswick, Middletown Point, Elizabethtown and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy, and a surveyor, to reside at New Brunswick.

The district of Burlington shall comprehend that part of the said state known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof heretofore within the jurisdiction of the said state, in which district the landing place of Lambertton shall be a port of delivery only; and a collector shall be appointed for the district, to reside at Burlington, which shall be the port of entry for the district.

The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland and Cape May (such parts of the county of Gloucester and Cape May as shall be herein after included in the district of Great Egg Harbor, excepted), and all the waters thereof heretofore within the jurisdiction of the said state; and the town of Salem and Port Elizabeth on Maurice river shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Bridgetown, which shall be the port of entry for the district.

The district of Great Egg Harbor shall comprehend the river of Great Egg Harbor, together with all the inlets, bays, sounds, rivers and creeks, along the sea-coast, from Brigantine Inlet to Cape May; and a collector for the district shall be appointed, to reside at Somers Point, on the said river of Great Egg Harbor.

The district of Little Egg Harbor shall comprehend all the shores, waters, bays, rivers and creeks from Barnegat Inlet to Brigantine Inlet, both inclusively; and the town of Tuckerton shall be the sole port of entry for the said district; and a collector for the same shall be appointed, to reside at Tuckerton.

Districts and
ports in Penn-
sylvania.

SEC. 8. *And be it further enacted*, That in the state of Pennsylvania, there shall be two districts, to wit: Philadelphia, and Presque Isle. The district of Philadelphia shall include all the shores and waters of the river Delaware, and the rivers and waters connected therewith, lying within the state of Pennsylvania; and the city of Philadelphia shall be the sole port of entry and delivery for the same; and a collector, naval officer and surveyor for the district shall be appointed, who shall reside at the city of Philadelphia.

The district of Presque Isle shall include all the shores and waters of Lake Erie, and the rivers and waters connected therewith, lying within the jurisdiction of the United States and the state of Pennsyl-

vania; and a collector for the said district shall be appointed, who shall reside at Presque Isle.

SEC. 9. *And be it further enacted*, That the state of Delaware shall be one district, and the borough of Wilmington shall be the only port of entry, to which shall be annexed, New Castle and Port Penn, as ports of delivery only; and a collector for the district shall be appointed, to reside at the said port of Wilmington.

Districts and
ports in Dela-
ware.

SEC. 10. *And be it further enacted*, That in the state of Maryland there shall be ten districts, to wit: Baltimore, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Nanjemoy, Georgetown and Havre-de-Grace.

Districts and
ports in Mary-
land.

The district of Baltimore shall include Patapsco river, Turkey Point, Spes Utæ Island, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river, which shall not be included in the district of Havre-de-Grace; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Baltimore, which shall be the sole port of entry.

The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river, to the north side of the Eastern bay, and Wye river, inclusive; in which Georgetown on Sassafra river, shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry.

The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake Bay, from the north side of Wye river, and the Eastern bay, to the south side of Great Choptank river, inclusive; and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry.

The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay from the south side of Great Choptank river, to the south side of Hooper's Streights, Hayne's Point, and Wicomico river, inclusive; and Salisbury shall be a port of delivery only: and a collector for the district shall be appointed, to reside at Vienna, which shall be the sole port of entry.

The district of Snowhill shall include all the waters and shores on the sea-coast, from the north line of Virginia, to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river, inclusive, so far as the jurisdiction of the said state of Maryland extends; to which Sinnipuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snowhill, which shall be the sole port of entry.

The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same.

The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay, to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedick, Lower Marlborough, Town Creek, and Sylvey's Landing, shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town Creek; and Nottingham shall be the sole port of entry.

The district of Nanjemoy shall include all the waters of the Potomac within the jurisdiction of the state of Maryland, from Point-look-out to Pomonky creek inclusive, to which Cedar Point, Saint Mary's and

Districts and
ports in Mary-
land.

Lewellensburgh shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Nanjemoy; also a surveyor, to reside at each of the towns of St. Mary's and Lewellensburgh; and Nanjemoy shall be the sole port of entry.

The district of Georgetown shall include all the waters and shores from Pomonky creek on the north side of Potomac river, to the head of the navigable waters of the said river, within the jurisdiction of the state of Maryland, to which Digges's Landing and Carrolsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

The district of Havre-de-Grace shall include all the waters and shores of the Chesapeake Bay, above Turkey Point and Spes Utia Island to the south side of Elk river, inclusive; and a collector for the district shall be appointed, to reside at Havre-de-Grace, which shall be the sole port of entry for the same.

Districts and
ports in Vir-
ginia.

SEC. 11. *And be it further enacted,* That in the state of Virginia there shall be eleven districts, to wit: Hampton, as one port, Norfolk and Portsmouth, as one port, Bermuda Hundred and City Point, as one port, Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Folly Landing, Cherrystone and South Quay. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors and inlets between the south side of the mouth of York river, along the west shore of Chesapeake Bay, to Hampton, and thence up the northern side of James river, to the east side of Chickahominy river; and a collector for the district shall be appointed, to reside at Hampton, which shall be the sole port of entry.

To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield, as ports of delivery only: and the authority of the officers of the district shall extend over all the waters, shores, bays, harbors and inlets, comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up the south side of James river to Hood's, inclusively, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor, to reside at each of the ports of Suffolk and Smithfield.

To the district of Bermuda Hundred, or City Point, shall be annexed Richmond, Petersburg and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed for the said district, to reside at Bermuda Hundred, or City Point, which shall be the sole port of entry; also a surveyor for Petersburg, to reside thereat; and a surveyor for Richmond and Manchester, to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between Hood's, on the southern side of James river, and the highest tide water on James and Appamatox rivers, and on the northern side of James river from the highest tide water to the eastern bank of Chickahominy river.

To the district of Yorktown shall be annexed West Point and Cumberland as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West Point, and thence up Pamunkey and Mattaponi rivers to the highest navigable waters thereof.

To the district of Tappahannock shall be annexed Urbanna, Port Royal and Fredericksburg, (including Falmouth) as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores, harbors, bays and inlets comprehended between Smith's Point at the mouth of the Potomac river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof.

Districts and
ports in Virgi-
nia.

The district of Yeocomico river, including Kinsale, shall extend from Smith's Point, on the south side of Potomac river, to Boyd's Hole, on the same river, including all the waters, shores, bays, harbors, creeks and inlets, along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry; and a collector for the district shall be appointed, to reside on Yeocomico river.

The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point, on the south side of Potomac river; and a collector for the district shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors, creeks and inlets, comprehended between Boyd's Hole and Cockpit Point aforesaid.

For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, creeks and inlets on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river.

For the district of Folly Landing shall be appointed a collector, who shall reside at Accomack Courthouse, and whose authority shall extend over all the waters, shores, bays, harbors and inlets of the county of Accomack.

For the district of Cherrystone shall be appointed a collector, to reside at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbors and inlets comprehended within Northampton county.

For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors and inlets in that part of the state of Virginia to the southward of the district of Norfolk, and not included in said district, comprehended within the limits of the said state.

SEC. 12. *And be it further enacted*, That in the state of North Carolina there shall be five districts, to wit: one, to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbors, creeks and inlets from Little River inlet inclusive, to New River inlet inclusive. The town of Wilmington shall be a port of entry and delivery, and there shall be a collector, naval officer and surveyor, to reside at the said town of Wilmington. Another district, to be called the district of Newbern, which shall comprehend all the waters, shores, bays, harbors, creeks and inlets from New River inlet inclusive, to Ocracoke inlet inclusive, together with that part of Pampticoe Sound, which lies southward and westward of the shoal projecting from the mouth of Pampticoe river, towards the Royal Shoal, and southward of the said Royal Shoal; that the town of Newbern shall be a port of entry and delivery, and the towns of Beaufort and Swansborough shall be ports of delivery only; and there shall be a collector appointed for the district, to reside at Newbern, and a surveyor, to reside at Beaufort, and one at Swansborough. And it shall be lawful for the President of the United States, if he shall

Districts and
ports in North
Carolina.

Districts and
ports in North
Carolina.

judge it expedient, and for the interest of the United States, to establish a port of delivery at Shell Castle or Beacon Island, near Ocracoke Inlet, and to appoint a surveyor to reside thereat. Another district, to be called the district of Washington, which shall comprehend all that part of Pampticoe Sound, not included in the district of Newbern as far north as the Marshes; the town of Washington shall be the sole port of entry and delivery; and a collector for the district shall be appointed, to reside within the same. Another district, which shall be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks and inlets from the Marshes inclusive, northward and westward, except those included in the district of Cambden. The town of Edenton shall be a port of entry and delivery, and Hertford, Murfreesborough, Princeton, Winton, Bennet's Creek, Plymouth, Windsor and Skewarky, ports of delivery; and a collector for the district shall be appointed, to reside at the town of Edenton, and a surveyor at each of the ports of Hertford, Winton, Bennet's Creek, Plymouth, Windsor and Skewarky; and one at Murfreesborough, for said port and for Princeton. Another district, which shall be called the district of Cambden, and to comprehend North River, Pasquotank and Little rivers, and all the waters, shores, bays, harbors, creeks and inlets from the junction of Currituck and Albermarle Sounds, to the north extremity of Blackbay; and Plankbridge, on Sawyer's creek, shall be the ports of entry and delivery, and Nixonton, Indian Town, Newbiggin Creek, Currituck Inlet, Pasquotank River Bridge, ports of delivery; and a collector for the district shall be appointed, to reside at Plankbridge, on Sawyer's creek, and a surveyor at each of the ports of Nixonton, Indian Town, Currituck Inlet, Pasquotank River Bridge and Newbiggin Creek; and that the authority of the several officers of each district shall extend over all the waters, shores, bays, harbors, creeks and inlets, comprehended within each district. Provided that all ships or vessels, intending to proceed to Plymouth, Windsor, Skewarky, Winton, Bennet's Creek Bridge, Murfreesborough or Princeton, shall first come to and enter at the port of Edenton; and provided also, that any vessels coming in at Ocracoke Inlet, that may be under the necessity of employing lighters before they pass the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of said inlet, to which such vessels are bound; and that any vessel coming in at said inlet in ballast, for the purpose of loading without the Royal Shoals, shall be at liberty to enter at any port of entry connected with the waters of said inlet.

Districts and
ports in South
Carolina.

SEC. 13. *And be it further enacted*, That in the state of South Carolina there shall be three districts, to wit: Georgetown, Charleston and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North Carolina to the point of Cape Romain. The district of Charleston shall include all the shores, inlets and rivers, from Cape Romain to Combahee river, inclusive; and the district of Beaufort shall include the shores, inlets and rivers, from Combahee river to Back river in Georgia, comprehending all the shores, inlets and harbors, formed by the different bars and sea islands lying within each district respectively; and a collector, naval officer and surveyor shall be appointed, to reside at Charleston, and a collector at each of the other ports.

Districts and
ports in Geor-
gia.

SEC. 14. *And be it further enacted*, That in the state of Georgia there shall be five districts, to wit: Savannah, Sunbury, Brunswick, St. Mary's and Hardwicke; each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays and inlets, from the said river to the north point of Ossabaw island and Great Ogeeche rivers, inclusive; and a collector, naval officer and surveyor shall be appointed for the said district, to reside at Savannah.

The district of Sunbury shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, south of the north point of Ossabaw island and Great Ogeeche river exclusive, and north of the south point of Sapelo island inclusive, except such part as is hereafter described as appertaining to the district of Hardwicke; and a collector for the said district shall be appointed, to reside at Sunbury.

Districts and
ports in Geor-
gia.

The district of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Sapelo island exclusive, to the south point of Jekyl island inclusive; Fredericka shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick.

The district of St. Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Jekyl island exclusive to St. Mary's river inclusive; and a collector for the said district shall be appointed, to reside at St. Mary's.

And in each of the said districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint, or put on board any ship or vessel for which a permit is granted, one or more inspectors, as may be necessary for the security of the revenue.

The district of Hardwicke shall include all the waters, shores, bays, harbors, creeks and rivers, between the south point of Ossabaw island and the south point of Warsaw island; and in the said district the town of Hardwicke shall be the only point of entry, and a collector for the said district shall be appointed, to reside at Hardwicke.

SEC. 15. *And be it further enacted*, That in the state of Kentucky there shall be one district, which shall include all the waters, shores and inlets of the rivers Ohio and Mississippi, and the rivers and waters connected therewith lying within the jurisdiction of the United States and the said state; and a collector shall be appointed, to reside at Louisville, which shall be the sole port of entry and delivery, for the said district, of any goods, wares and merchandise, not the growth or manufacture of the United States: *Provided nevertheless*, that it shall be lawful for the President of the United States, whenever he shall judge it expedient, and for the interest of the United States, to establish a separate district, which shall include all the waters, shores and inlets of the river Mississippi, within the jurisdiction of the United States and the said state of Kentucky, and also the shores and waters on the south side of the river Ohio, from the mouth thereof to the east bank of Cumberland river, with the rivers and waters connected with the Mississippi and Ohio, within the limits aforesaid, and within the state aforesaid; and to appoint a collector to reside at such port of entry and delivery as may be established within the same.

Districts and
ports in Ken-
tucky.

SEC. 16. *And be it further enacted*, That in the state of Tennessee there shall be one district, which shall include all the waters, shores and inlets of the river Mississippi, and other navigable rivers and waters lying within the jurisdiction of the United States, and within the said state; and a collector shall be appointed, who shall reside at Palmyra, which shall be the only port of entry or delivery, within the said district, of any goods, wares and merchandise not the growth or manufacture of the United States: *Provided nevertheless*, that the President of the United States may, whenever he shall judge it expedient, and for the interest of the United States, erect the shores, waters and inlets of the river Mississippi lying within the jurisdiction of the United States, and within the state of Tennessee, into a separate district, and appoint a collector, to reside at such port of entry and delivery as may be established within the same.

Districts and
ports in Ten-
nessee.

SEC. 17. *And be it further enacted*, That in the territory of the United

Districts and
ports in the N.
Western Terri-
tory.

States northwest of the river Ohio, there shall be six districts, to wit : Erie, Detroit, Michilimakinac, Massac, Illinois and Ohio.

The district of Erie shall include all the waters, shores and inlets of Lake Erie, within the jurisdiction of the United States, and the rivers and waters connected therewith, from the west line of the state of Pennsylvania unto the west bank of the Miami of Lake Erie, including said river; and the President of the United States is authorized to establish such place at or near Sandusky, or on the said river Miami, to be the port of entry, as he shall judge expedient, and also to establish not exceeding two other places to be ports of delivery only; and a collector shall be appointed, to reside at the port of entry, and surveyors to reside at such ports of delivery as may be established as aforesaid.

The district of Detroit shall include all the waters, shores and inlets of the lakes Erie, St. Clair and Huron, within the jurisdiction of the United States, and the rivers and waters connected therewith, to the westward of the river Miami aforesaid, unto the island of Michilimakinac; and a collector shall be appointed, to reside at Detroit, which shall be the sole port of entry for the district; and the President, of the United States is authorized, if he shall judge it expedient, to establish not exceeding two ports of delivery within the said district, and to appoint surveyors to reside thereat.

The district of Michilimakinac shall include the island of that name, the adjoining lands ceded to the United States by the Indian nations at the treaty of Greenville, and all the waters, shores and inlets to the westward and northward of the lakes Michigan and Superior, and the rivers, waters, shores and lakes connected therewith, lying within the jurisdiction of the United States, unto the northern and northwestern boundaries thereof. And the President of the United States is authorized to establish such place at or near Michilimakinac to be the port of entry for the district as he shall deem expedient, and also to establish not exceeding three other places within the said district to be ports of delivery only; and a collector shall be appointed to reside at the port of entry, and surveyors to reside at the ports of delivery, which may be established as aforesaid.

The district of Massac shall include the lands relinquished and ceded to the United States by the Indian nations, at the treaty of Greenville in August, one thousand seven hundred and ninety-five, lying near the confluence of the rivers Ohio and Mississippi, and shall extend from thence to the mouth of the river Ohio, on the northern side of the said river, and up the river Ohio to the eastern side of the river Wabash, including the said river, with all the waters, shores and inlets connected with the rivers Ohio and Wabash, within the boundaries aforesaid. And such place at or near Fort Massac as the President of the United States shall designate for that purpose, shall be the sole port of entry for the district, and a collector shall be appointed, to reside thereat; and it shall be lawful for the President of the United States, if he shall judge expedient, to establish not exceeding two places at or near the river Wabash to be ports of delivery only, and to appoint surveyors to reside thereat.

The district of Illinois shall include all the waters, shores and inlets of the river Mississippi above the mouth of the river Ohio, within the jurisdiction of the United States, and also the river Illinois, with the rivers, shores and waters connected therewith; and a collector shall be appointed to reside at such place as the President of the United States shall designate, to be the port of entry, and not exceeding two surveyors to reside at such places as the President shall see fit to establish as ports of delivery only.

The district of Ohio shall include all the waters, shores and inlets of the river Ohio, on the northern side, with the rivers, shores and waters

connected therewith, lying to the eastward of the district of Massac as before described; and a collector shall be appointed to reside at such place as the President of the United States shall designate, at or near the confluence of the Great Miami river and the river Ohio, which place shall be the sole port of entry or delivery for the district.

And there shall be a district on the river Mississippi, south of the state of Tennessee, which shall include all the waters, shores and inlets of the river Mississippi, and other navigable rivers and waters connected therewith, lying within the jurisdiction of the United States and south of the said state; and it shall be lawful for the President of the United States, to designate a proper place, to be the port of entry and delivery within the same, and to appoint a collector to reside thereat.

And in case the appointment of the several collectors and surveyors for the new districts or ports established, or authorized to be established hereby, shall not be made during the present session of Congress, the President of the United States may, and he is hereby empowered to make such appointments during the recess of the Senate, by granting commissions, which shall expire at the end of their next session; but new appointments shall not be necessary to be made to any of the offices heretofore established.

SEC. 18. *And be it further enacted*, That it shall and *may be* lawful to make entry of any ship or vessel, which shall arrive from any foreign port or place within the United States, or of the cargo on board such ship or vessel, elsewhere than at one of the ports of entry herein before established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established. (a) *Provided always*, that every port of entry shall be also a port of delivery: *And provided further*, that none but ships or vessels of the United States shall be admitted to unlade at any other than the ports following, to wit: Portsmouth, in New Hampshire; Portland and Falmouth, New Bedford, Dighton, Salem and Beverly, Gloucester, Newburyport, Marblehead, Nantucket, Boston and Charlestown, Plymouth, Bath, Frenchman's bay, Wiscasset, Machias and Penobscot, in the state of Massachusetts; Newport and Providence, in the state of Rhode Island and Providence Plantations; New London and New Haven, in the state of Connecticut; New York, in the state of New York; Perth Amboy and Burlington, in the state of New Jersey; Philadelphia, in the state of Pennsylvania; Wilmington, New Castle and Port Penn, in the state of Delaware; Baltimore, Annapolis, Vienna, Oxford, Georgetown, on Potomac, Chestertown, Town Creek, Nottingham, Nanjemoy, Digges's Landing, Snowhill and Carrolsburgh, in the state of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rockett's Landing, Norfolk and Portsmouth, in the state of Virginia; Wilmington, Newbern, Beaufort, Washington, Edenton and Plankbridge, in the state of North Carolina; Charleston, Georgetown and Beaufort, in the state of South Carolina; and in either of the ports of Savannah, Sunbury, Brunswick, Fredericka and St. Mary's, in the state of Georgia; or to make entry in any other district than in the one in which they shall be so admitted to unlade. *And provided lastly*, that no ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at any other than the ports following, to wit: Portsmouth, in the state of New Hampshire; Boston and Charlestown, Newburyport, Salem and Beverly, Marblehead, Gloucester, Portland and Falmouth, in the state of Massachusetts; Newport and Providence, in the state of Rhode Island and Providence Plantations; New London and New Haven, in the state of Connecticut; New York, in the state of New York; Perth Amboy, in the state of New Jersey; Philadelphia, in the state of Pennsylvania;

Districts and ports in the N. Western Territory.

District and port south of Tennessee.

Appointments may be made in the recess of Congress.

Where vessels and cargoes are to be entered and delivered.

Ports of entry to be ports of delivery.

Ports to which the unloading of vessels of the U. States is restricted.

Proviso.

Port of Shell
Castle or Bea-
con Island, and
duties of the
officer of the
port.

Wilmington, in the state of Delaware; Baltimore, Annapolis and Georgetown, in the state of Maryland; Alexandria, Norfolk and Portsmouth, in the state of Virginia; Wilmington, Newbern, Washington and Edenton, in the state of North Carolina; Charleston, Georgetown and Beaufort, in the state of South Carolina; and Sunbury and Savannah, in the state of Georgia. *Provided*, that nothing herein contained shall prevent the master or commander of any ship or vessel from making entry with the collector of any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned. *Provided also*, that if the President of the United States shall see fit to establish a port of delivery at Shell Castle, or Beacon Island, near Ocracoke Inlet, and to appoint a surveyor to reside thereat, it shall be the duty of the master or commander of every ship or vessel coming in at Ocracoke Inlet, and intending to unlade her cargo, or any part thereof, at any port connected with the waters of the said inlet, to come to at the port of delivery which may be established as aforesaid, and there exhibit like reports and manifests, and perform all other duties required by this act of masters of vessels when arriving at a port of entry in the United States; but no duties shall be paid or secured at the said port of delivery: and the surveyor who may be appointed to reside at the said port of delivery shall, in addition to other powers and duties granted and prescribed to surveyors by this act, superintend the unloading and discharge of all goods, wares and merchandise from the vessels in which the same may be imported, into the lighters or coasting vessels, which may be employed in the transportation of said goods, wares and merchandise to any port of entry or delivery connected with the said Ocracoke Inlet; and all goods, wares or merchandise which shall be so unladen into lighters or coasting vessels, shall and may be secured with the necessary locks, or fastenings, or under the seal of the said surveyor, and shall be accompanied with permits, describing the said goods, wares and merchandise, the vessel in which imported, the persons to whom belonging, and the port of entry or delivery to which destined. And the masters or commanders of all lighters or coasting vessels who shall receive goods, wares or merchandise to be transported as aforesaid, shall give triplicate receipts describing the casks or packages, containing the same; and in case any goods, wares or merchandise, transported under permits and for which receipts shall have been given as aforesaid, shall not be transported and delivered to the collector or surveyor of the port of entry or delivery, to which the same shall be consigned by the permits aforesaid, the dangers of the seas and unavoidable accidents only excepted, or if any lock, fastening or seal placed on the said goods, wares or merchandise, shall be broken or destroyed, the lighter or vessel employed in transporting the same shall be forfeited, and the master thereof shall forfeit and pay a sum not exceeding five hundred dollars, with costs of suit—And it shall be the duty of the surveyor, who may be appointed to reside at the port of Shell Castle, or Beacon Island, to endorse on the original manifests of vessels arriving at said port, all deliveries which may be made as aforesaid to the masters of lighters or coasting vessels as aforesaid; which manifests shall be exhibited to the collector of the interior port of entry, to which such vessels may be destined, where like entries shall be made and like proceedings had, as are required by the general regulations and provisions of this act.

Vessels bound to certain ports of delivery shall first come to at the port of entry, and exceptions.

SEC. 19. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts, to wit: Portland and Falmouth, except the ports of North Yarmouth, Freeport and Harpswell; Bath, except the ports of Georgetown and Brunswick; Newburyport, New London, except the port of Stonington; Middletown, except the ports of Lyme, Saybrook,

Killinsworth, Haddam, and East Haddam; Norfolk and Portsmouth, Bermuda Hundred or City Point, Yorktown, Tappahannock, except the port of Urbanna, or Edenton; shall first come to, at the port of entry of such district, with his ship or vessel, and there make report and entry in writing, and pay, or secure to be paid, all legal duties, port fees and charges, in manner provided by this act, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any district other than those above mentioned, or to either of the ports of delivery above mentioned, may first proceed to her port of delivery, and afterwards make report and entry within the time by this act limited; and the master of every vessel arriving from a foreign port, or having goods on board, of which the duties have not been paid or secured, and bound to any port on Connecticut river, shall take an inspector on board at Saybrook, before proceeding to such port; and if any master of a ship or vessel shall proceed to a port of delivery, contrary to the directions aforesaid, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit; that the master or commander of any ship or vessel, bound to any district in Connecticut, through or by the way of Sandy Hook, shall, before he pass by the port of New York, and immediately after his arrival, deposit with the collector for the district of New York, a true manifest of the cargo on board such ship or vessel; if bound to the district of Hudson, shall, before he pass by the port of New York, and immediately after his arrival, deposit with the collector thereof a like manifest; if bound to the district of Burlington, shall, before he pass by the port of Philadelphia, and immediately after his arrival, deposit with the collector thereof a like manifest; if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port a like manifest; if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor of that port a like manifest; if bound to the district of Bermuda Hundred and City Point, shall, on his arrival in Hampton Road, or at Sewell's Point, and immediately after such arrival, deposit with the collector of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest; and if bound to the district of South Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton a like manifest; and the said collectors and surveyors respectively shall, after registering the manifests, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made; and the said collectors and surveyors respectively, may, whenever they judge it to be necessary for the security of the revenue, put an inspector of the customs on board any ship or vessel as aforesaid, to accompany the same until her arrival at the first port of entry or delivery, in the district to which such ship or vessel may be destined; and if the master or commander of any ship or vessel shall neglect or omit to deposit a manifest in manner aforesaid, or shall refuse to receive an inspector of the customs on board, as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound: *Provided*, that if the manifest shall, in either of the above cases, have been previously delivered to any officer of the customs, pursuant to the provisions hereinafter to be made in that behalf, the depositing of a manifest as aforesaid shall not be necessary.

SEC. 20. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter upon the duties of their respective offices, shall severally take and subscribe an oath or

Vessels bound to certain ports of delivery shall first come to at the port of entry, and exceptions.

Officers appointed under this act to take an oath, and

transmit it to
the Comptroller.

affirmation, diligently and faithfully to execute the duties of their said offices respectively, which oath or affirmation shall be of the form and tenor following, to wit :

I (A. B.) having been appointed (collector or other officer as the case may be) of the (district or port of) do solemnly and truly (swear or affirm) that I will diligently and faithfully execute the duties of the said office of and will use the best of my endeavours to prevent and detect frauds in relation to the duties imposed by the laws of the United States; I further (swear or affirm) that I will support the constitution of the United States.

(Sworn or affirmed) and subscribed, this day of
before me,

And the oath or affirmation aforesaid, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another officer, shall be taken before the collector of his district; and being certified under the hand and seal of the person by whom the same shall have been administered, shall within three months thereafter be transmitted to the comptroller of the treasury, in default of taking of which oath, or transmitting a certificate thereof, the party failing shall forfeit and pay two hundred dollars, to be recovered with cost of suit in any court of competent jurisdiction, to the use of the United States.

Penalty in de-
fault thereof.

Duties of the
collector.

SEC. 21. *And be it further enacted*, That the several officers of the customs shall respectively perform the duties following, to wit : At such of the ports to which there shall be appointed a collector, naval officer and surveyor, the collector shall receive all reports, manifests and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this act; shall record, in books to be kept for that purpose, all manifests; shall receive the entries of all ships or vessels and of the goods, wares and merchandise imported in them; shall, together with the naval officer where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, endorsing the said amount upon the respective entries; shall receive all monies paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unlading and delivery of goods; shall, with the approbation of the principal officer of the treasury department, employ proper persons as weighers, gaugers, measurers and inspectors, at the several ports within his district; and also, with the like approbation, provide, at the public expense, storehouses for the safe keeping of goods, and such scales, weights and measures, as may be necessary; the naval officer shall receive copies of all manifests and entries, and shall, together with the collector, estimate the duties on all goods, wares and merchandise subject to duty (and no duties shall be received without such estimate), and shall keep a separate record thereof, and shall countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector; he shall also examine the collector's abstracts of duties, and other accounts of receipts, bonds and expenditures, and if found right, he shall certify the same.

Duties of the
naval officer.

Duties of the
surveyor.

The surveyor shall superintend and direct all inspectors, weighers, measurers and gaugers, within his port, and shall once every week report to the collector, the name or names of such inspectors, weighers, gaugers or measurers, as may be absent from or neglect to do their duty, shall visit or inspect the ships or vessels which arrive therein, and shall make a return in writing every morning to the collector, if any, at the port where he resides, of all vessels which shall have arrived from foreign ports or places the preceding day, specifying the names and denominations of the vessels, the masters' names, from whence arrived, whether laden or in ballast, whether belonging to the United States, or to what other nation belonging, and if American vessels, whether the masters

thereof have or have not complied with the law, in having the required number of manifests of the cargo on board, agreeing in substance with the provisions made necessary by this act, and shall have power, and is hereby required, to put on board each of such vessels, one or more inspectors, immediately after their arrival in his port; the surveyor shall also ascertain the proof, quantities and kinds of distilled spirits imported, rating such spirits according to their respective degrees of proof as defined by the laws imposing duties on spirits: he shall likewise examine and ascertain the quality, kind and quantity of all wines imported; also the quantity and kind of all teas and sugars imported; and shall grant certificates for the said spirits, wines and teas, and make returns thereof, in manner hereafter provided. He shall also examine whether the goods imported in any ship or vessel, and the deliveries thereof, agreeably to the inspector's returns thereof, correspond with the permits for landing the same; and if any error or disagreement appear, he shall report the same to the collector, and to the naval officer, if any there be. The surveyor shall also superintend the lading for exportation of all goods entered for the benefit of any drawback, bounty or allowance, and shall examine and report whether the kind, quantity and quality of the goods, so laden on board any vessel for exportation, correspond with the entries and permits granted therefor: he shall also from time to time, and particularly on the first Mondays in January and July in each year, examine and try the weights, measures and other instruments, used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, he shall report the same to the collector, and obey and execute such directions as he may receive for correcting thereof, agreeably to the standards aforesaid; and the said surveyor shall in all cases be subject to the direction of the collector. And at ports to which a collector and surveyor only are assigned, the said collector shall solely execute all the duties in which the co-operation of the naval officer is requisite, at the ports where a naval officer is appointed; which he shall also do in case of the disability or death of the naval officer, until a successor is appointed, unless there is a deputy duly authorized under the hand and seal of the naval officer, who in that case shall continue to act, until an appointment shall take place. And at the ports to which a collector only is assigned, such collector shall solely execute all the duties in which the co-operation of the naval officer is requisite as aforesaid, and shall also, as far as may be, perform all the duties prescribed to the surveyors at the ports where such officers are established. And at the ports to which surveyors only are assigned, every such surveyor shall perform all the duties herein before enjoined upon surveyors; and shall also receive and record the copies of all manifests which shall be transmitted to him by the collector: shall record all permits granted by such collector, distinguishing the gauge, weight, measure, and quality of the goods specified therein, and shall take care that no goods be unladen or delivered from any ship or vessel, without a proper permit for that purpose. And at such ports of delivery only to which no surveyor is assigned, it shall be lawful for the collector of the district occasionally, and from time to time, to employ a proper person or persons to do the duties of a surveyor, who shall be entitled to the like compensation with inspectors during the time they shall be employed. And the said collectors, naval officers and surveyors, shall respectively attend in person at the ports to which they are respectively assigned; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the proper department, or officer having the superintendence of the collection of the revenue of the United States; and shall at all times submit their books, papers and accounts, to the inspection of such per-

Duties of the
surveyor.

1791, ch. 15.

Further duties of the collector, naval officer and surveyor.

sons as may be appointed for that purpose; and the said collector shall at all times pay to the order of the officer, who shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay only excepted,) and shall, once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement: and if any collector, naval officer or surveyor, shall omit to keep fair and true accounts as aforesaid, or shall refuse to submit forthwith their books, papers and accounts to inspection as aforesaid; or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding three months after the same shall have been required by the proper officer, in each and every such case the delinquent officer shall forfeit and pay, for the use of the United States, one thousand dollars, to be recovered with costs of suit.

Collectors, &c. may appoint deputies.

SEC. 22. *And be it further enacted*, That every collector, naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform their several functions, powers and duties by deputy, duly constituted under their hands and seals respectively, for whom, in the execution of their trust, they shall respectively be answerable: That in case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable; and in defect of a deputy, the said authorities and duties shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be, and if none, upon the surveyor of the port nearest thereto and within the said district. And in every case of the disability or death of a surveyor, it shall be lawful for the collector of the district to nominate some fit person to perform his duties and exercise his authorities; and the authorities of the persons who may be empowered to act in the stead of those who may be disabled or dead, shall continue until successors shall be duly appointed, and ready to enter upon the execution of their respective offices.

Masters of vessels from foreign ports to have manifests of the cargoes.

SEC. 23. *And be it further enacted*, That no goods, wares or merchandise, shall be brought into the United States, from any foreign port or place, in any ship or vessel, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, unless the master or person having the charge or command of such ship or vessel, shall have on board a manifest or manifests in writing, signed by such master or other person, containing the name or names of the port or ports, place or places, where the goods in such manifest or manifests mentioned shall have been respectively taken on board, and the port or ports, place or places within the United States for which the same are respectively consigned or destined, particularly noting the goods, wares and merchandise destined for each port or place respectively, and the name, description and built of such ship or vessel, and the true admeasurement or tonnage thereof, the port or place to which such vessel belongs, with the name or names of each owner, according to the register of the same, together with the name of the master or other person having the charge or command of such ship or vessel, and a just and particular account of all the goods, wares and merchandise, so laden or taken on board, whether in packages or stowed loose, of any kind or nature whatsoever, together with the marks and numbers as marked on each package, and the number or quantity and description of the packages in words at length, whether leaguer, pipe, butt, puncheon, hog-head, barrel, keg, case, bale, pack, truss, chest, box, band-box, bundle,

parcel, cask, or package, of any kind or sort, describing the same by its usual name or denomination; together with the name or names of the person or persons to whom the same are respectively consigned, agreeably to the bills of lading, signed for the same, unless when the said goods are consigned to order, when it shall be so expressed in the said manifest or manifests, together with the name or names of the several passengers on board the said ship or vessel, distinguishing whether cabin or steerage passengers, or both, with their baggage, specifying the number and description of packages belonging to each respectively, together with an account of the remaining sea stores, if any; and the form of a manifest for goods and merchandise imported in a vessel of the United States shall be as follows, to wit:

Report and manifest of the cargo laden on board of the (here insert the denomination and name of the vessel) whereof (insert the master's name) is master, which cargo was taken on board at (here insert the port or ports, place or places at which the cargo was laden) burthen tons, built at in the state of and owned by merchants at (inserting the tonnage, where built, by whom owned, and place or places of residence, as particularly detailed in the certificate of registry) as per register granted at (here insert the port or place) the (here insert the day of the month, and year when granted) and bound for (here insert the name of the port or place where bound to.)

Form of manifest.

Marks.	Number inclusive.	Packages and contents.	By whom shipped.	To whom consigned or if to order.	Place of consignee's residence	Ports of destination.

Returned cargo.

(If any articles of the outward cargo are brought back, they are to be detailed, specifying by whom shipped outward, and to whom consigned inward.)

Return of passengers and of packages belonging to them respectively.

(Here insert the names of the passengers, and whether cabin or steerage passengers, with the description and number of packages containing their baggage, or the tools or implements of a mechanical trade.)

Vessel and cabin stores.

(Here detail what are remaining.)

And if merchandise shall be imported, destined to be delivered in different districts or ports, the quantities and packages so destined to be delivered, shall be inserted in successive order in the manifest as aforesaid; and all spirits, wines and teas, constituting the whole or any part of the cargo of any vessel, shall also be inserted in successive order, distinguishing the ports to which the same may be destined, and the kinds, qualities and quantities thereof; and if merchandise shall be imported by citizens or inhabitants of the United States, in vessels other than the United States, the manifests shall be of the form, and shall contain the particulars aforesaid, except that said vessels shall be described in manner following, viz.:

Report and manifest of the cargo laden on board the (here insert the denomination and name of the vessel and the port to which she belongs) whereof (here insert the master's name, and whether or not master during the voyage) burthen (here insert the nation where built) bound to (here insert the port or ports of destination) which cargo was taken on board at (here insert the port or ports where laden.)

Forfeiture on having on board no manifest, or an imperfect one.

SEC. 24. *And be it further enacted*, That if any goods, wares and merchandise shall be imported or brought into the United States, in any ship or vessel whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, from any foreign port or place, without having a manifest or manifests on board, agreeably to the directions in the foregoing section, or which shall not be included or described therein, or shall not agree therewith; in every such case the master, or other person having the charge or command of such ship or vessel, shall forfeit and pay a sum of money equal to the value of such goods, not included in such manifest or manifests, and all such merchandise not included in the manifest, belonging or consigned to the master, mate, officers or crew of such ship or vessel, shall be forfeited. *Provided always*, that if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where either of the other of the said officers are not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of such ship or vessel had been unshipped, after it was taken on board, except such as shall have been particularly specified and accounted for, in the report of the master or other person having the charge or command of such ship or vessel, and that the manifests had been lost or mislaid, without fraud or collusion, or that the same was or were defaced by accident or incorrect by mistake, in every such case the forfeiture aforesaid shall not be incurred.

Duties of masters of vessels in exhibiting manifests.

Officers of the customs to certify manifests.

SEC. 25. *And be it further enacted*, That every master or other person, having the charge or command of any ship or vessel, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, laden with goods as aforesaid, and bound to any port or place in the United States, shall, on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks or inlets thereof, upon demand, produce the manifest or manifests in writing, which such master or other person is required as aforesaid to have on board his said ship or vessel, to such officer or officers of the customs, as shall first come on board his said ship or vessel, for his or their inspection, and shall deliver to such officer or officers a true copy or copies thereof (which copy or copies shall be provided and subscribed by the said master or other person having the charge or command of such ship or vessel), and the officer or officers, to whom the original manifest or manifests shall have been so produced, shall respectively certify upon the back thereof, that the same was or were produced, and the day and year on which the same was or were so produced, and that such copy or copies as aforesaid was or were to him or them delivered and by them examined with the original manifest; and shall likewise certify upon the back of such copy or copies the day and year on which the same was or were delivered, and shall forthwith transmit such copy or copies to the respective collectors of the several districts, to which the goods by such manifest or manifests shall appear respectively to be consigned; and that the said master, or other person, so having the charge or command of any such ship or vessel, shall in like manner produce to the officer or officers of the customs who shall first come on board such ship or vessel, upon her arrival within the limits of any district of the United States, in which the cargo, or any part thereof, is intended to be discharged or landed for his or their inspection, such manifest or manifests as aforesaid; and shall also deliver to him or them a true copy or copies thereof (such copy or copies also to be provided and subscribed by the said master or other person having the charge or command of such ship or vessel) the production of which said manifest or manifests, and the delivery of which said copy or copies thereof, shall

also be certified by the said officer or officers of the customs, who shall so first come on board the said ship or vessel, on her arrival within the limits of any such district, upon the back of the said original manifest or manifests, with the particular day and year when such manifest or manifests was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit, or cause to be transmitted, the said copy or copies of the said manifest or manifests to the collector of that district; and the said master, or person having the charge or command of the said ship or vessel, shall afterwards produce and deliver the said original manifest or manifests so certified to the said collector; and when any manifest shall be produced, upon which there shall be no certificate from any officer of the customs as before mentioned, the master or commander producing the same shall be required to make oath or affirmation, that no officer has applied for, and that no endorsement has taken place on any manifest of the cargo of such vessel. *Provided always*, that nothing herein contained shall be construed to require of such master, or other person having the charge or command of such ship or vessel, the delivery of more than one copy of each manifest to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of the United States aforesaid, and one other copy to such officer or officers as shall first come on board within the limits of any district, for which the cargo of such ship or vessel, or some part thereof, shall be consigned or destined, or shall be construed to require the delivery of any such copy to any other officer; but it shall be sufficient in respect to any such other officer, to produce and show to him the said original manifest or manifests, and the certificate or certificates thereupon; and the form of the certificate aforesaid, to be endorsed on an original manifest, shall be as follows, to wit:

I (A. B.) certify that the within manifest was this day produced to me as the original manifest of the cargo on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port last from). In witness whereof I have hereunto signed my name, this day of

Form of certificate on an original manifest.

And the form of the certificate aforesaid, to be endorsed on the copy of a manifest, shall be as follows, to wit:

I (A. B.) certify that I have examined the within manifest, produced to me this day as a copy of the original manifest of the cargo on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port last from) with the original, and find the same to agree. In witness whereof I have hereunto signed my name, this day of

On a copy of a manifest.

SEC. 26. *And be it further enacted*, That if the master or other person having the charge or command of any ship or vessel, laden as aforesaid, and bound to any port or place in the United States, shall not upon his arrival within four leagues of the coast thereof, or within the limits of any district thereof, where the cargo of such ship or vessel, or any part thereof, is intended to be discharged, produce such manifest or manifests as are heretofore required, in writing, to the proper officer or officers upon demand thereof, and also deliver such copy or copies thereof as aforesaid, according to the directions of this act, in each case, or shall not give an account of the true destination of such ship or vessel, which he is hereby required to do, upon request of such officer or officers, or shall give a false account of such destination, in order to evade the production of the said manifest or manifests, the said master or other person having the charge or command of such ship or vessel, shall forfeit, for every such neglect, refusal, or offence, a sum not exceeding five hundred dollars; and if such officer or officers first coming on board in each

Penalty on not exhibiting manifests, &c.

Penalty on the officer omitting to certify manifests, &c.

case, within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are herein before directed to be delivered to such officer or officers; every such officer so neglecting or refusing shall forfeit and pay the sum of five hundred dollars. And the officer or officers who may apply to the master or person having the charge or command of any such ship or vessel, respecting any of the provisions in this and the foregoing sections, and who shall not receive full satisfaction therein, are hereby required to make a return in writing of the name of the vessel and master so offending, in any or all of the particulars required, immediately, or as soon after as possible, to the collector of the district to which such ship or vessel shall be considered to be bound.

Penalty on unloading goods without authority.

SEC. 27. *And be it further enacted*, That if after the arrival of any ship or vessel, so laden with goods as aforesaid, and bound to the United States, within the limits of any of the districts of the United States, or within four leagues of the coast thereof, any part of the cargo of such ship or vessel shall be unladen for any purpose whatever from out of such ship or vessel as aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo, or some part thereof, and shall be there duly authorized by the proper officer or officers of the customs to unlade the same, the master or other person having the charge or command of such ship or vessel, and the mate, or other person next in command, shall respectively forfeit and pay the sum of one thousand dollars, for each such offence, and the goods, wares and merchandise, so unladen and unshipped, shall be forfeited and lost, except in the case of some unavoidable accident, necessity or distress of weather; of which unavoidable accident, necessity or distress, the master, or other person having the charge or command of such ship or vessel, shall give notice to, and together with two or more of the officers or mariners (of which the mate or other person next in command shall be one) on board such ship or vessel, shall make proof upon oath before the collector, or other chief officer of the customs of the district within the limits of which such accident, necessity or distress shall happen, or before the collector or other chief officer of the first district of the United States, within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, which oath the said collector, or other chief officer, is hereby authorized and required to administer.

Forfeiture of such goods.

Exception in case of necessity.

Penalty on aiding in such unloading of goods.

SEC. 28. *And be it further enacted*, That if any goods, wares and merchandise, so unladen from on board any such ship or vessel, shall be put or received into any other ship, vessel, or boat, except in the case of such accident, necessity or distress as aforesaid, to be notified and proved as aforesaid, the said master or other person having the charge or command of any such ship, vessel or boat, into which the said goods, wares or merchandise, shall be so put and received, and every other person aiding and assisting therein, shall forfeit and pay treble the value of the said goods, wares or merchandise, and the ship, boat or vessel, in which they shall be so put, shall be forfeited and lost.

Penalty on sailing from a district before entry is made.

SEC. 29. *And be it further enacted*, That if any ship or vessel which shall have arrived within the limits of any district of the United States, from any foreign port or place, shall depart, or attempt to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master or other person having the charge or command of such ship or vessel, with the collector of some district of the United States, the said master or other person having such charge or command, shall forfeit and pay the sum of four hundred dollars; and it shall be lawful

for any collector, naval officer, surveyor, or commander of any of the cutters herein after mentioned, to arrest and bring back, or cause to be arrested and brought back, such ship or vessel, to such port of the United States to which it may be most conveniently done. *Provided*, that if it shall be made to appear by the oath of the said master, or other person having the charge or command of such ship or vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district, within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the said departure or attempt to depart, was occasioned by distress of weather, pursuit or duress of enemies, or other necessity, the said penalty shall not be incurred.

SEC. 30. *And be it further enacted*, That within twenty-four hours after the arrival of any ship or vessel, from any foreign port or place, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel shall repair to the said office, and shall make report to the said chief officer, of the arrival of the said ship or vessel; and within forty-eight hours after such arrival, shall make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in a manifest, as the case may be; and the said master, or person having the charge or command of any such ship or vessel, shall declare to the truth of such report or manifest, as the same ought to be in conformity to this act; which declaration shall be on oath or solemn affirmation, before the said collector of the district, in the manner and form following, to wit:

Within what time report is to be made.

I (A. B.) do solemnly, sincerely and truly swear (or affirm) that the report and manifest subscribed with my name, and now delivered by me to the collector of the district of (insert the name of the district) contains, to the best of my knowledge and belief, a just and true account of all the goods, wares and merchandise, including packages of every kind and nature whatsoever, which were on board the (insert the denomination and name of the vessel) at the time of her sailing from the port of (here insert the name of the port or place the vessel last sailed from) or which have been laden or taken on board at any time since, and that the packages of the said goods are as particularly described as in the bills of lading, signed for the same by me, or with my knowledge; that I am at present, and have been during the voyage, master of the said vessel, (or insert, if otherwise, specifying how long he has been master) that no package whatsoever or any goods, wares or merchandise have been unladen, landed, taken out, or in any manner whatever removed from on board the said (insert denomination and name of the vessel) since her departure from the said port of (insert the name of the last port she sailed from) except such as are now particularly specified and declared in the abstract or account herewith, and that the clearance and other papers, now delivered by me to the collector, are all that I now have, or have had, that any way relate to the cargo of the said vessel. And I do further swear (or affirm) that the several articles specified in the said manifest, as the sea stores for the cabin and vessel, are truly such, and were bona fide put on board the said (insert the denomination and name of the vessel) for the use of the officers, crew and passengers thereof, and have none of them been brought, and are not intended, by way of merchandise, or for sale, or for any other purpose, than above mentioned, and are intended to remain on board for the consumption of the said officers and crew; I further swear (or affirm) that if I shall hereafter discover, or know of any other or greater quantity of

Oath on making report.

goods, wares and merchandise of any nature or kind whatsoever, than are contained in the report and manifest, subscribed and now delivered by me, I will immediately and without delay, make due report thereof to the collector of the port or district of (here insert the port or district entering at) and I do likewise swear (or affirm) that all matters whatsoever in the said report and manifest expressed, are to the best of my knowledge and belief just and true. (The following addition to the oath or affirmation is to be inserted in cases where the manifests shall not have been certified by some officer of the customs in manner provided.) I further swear (or affirm) that no officer of the customs has applied for an inspection of the manifest of the cargo on board the said vessel, and that no certificate or endorsement has been delivered to me on any manifest of such cargo. So help me God.

(Signed) A. B.

Sworn (or affirmed) before me }
this day of }
C. D. Collector.

Further report
to be made of
spirits, wines
and teas.

And the master, or other person having the charge or command of any ship or vessel, having on board distilled spirits, wines or teas, shall within forty-eight hours after his arrival as aforesaid, whether the same be at the first port of arrival of such ship or vessel, or not, shall, in addition to the requirements before mentioned, report in writing to the surveyor or officer acting as inspector of the revenue of the port, at which he shall so arrive, the foreign port or place from which he last sailed, the name of his vessel, his own name, the burthen and denomination of such ship or vessel, and whether a ship or vessel of the United States, or to what other nation belonging, together with the quantity, and kinds of spirits, wines and teas on board of the said ship or vessel, particularizing the number of casks, vessels, cases or other packages containing the same, with their marks and numbers, as also the quantity and kinds of spirits, wines and teas on board such ship or vessel, as sea stores, on pain of forfeiting and paying the sum of five hundred dollars, and of the loss of the spirits so omitted; and the form of said report shall be as follows, to wit:

Penalty on
failure therein.

Form of re-
port of spirits,
wines and teas.

Report of distilled spirits, wines, and teas, imported in the (here insert the name and denomination of the vessel) built in (here insert where built in the United States, or to what foreign nation belonging) burthen (here insert the tonnage of the vessel) whereof (here insert the name of the master) from (here insert the foreign port, from which the vessel last sailed) bound to (here insert the port or ports to which destined in the United States.)

Marks.	Numbers of casks, chests, and packages inclusive.	Description of casks, chests, and packages inclusive.	Kinds and qualities of spirits, wines and teas.	Estimated gallons of spirits of each kind.	Estimated gallons of wines of each kind.	Estimated pounds of teas of each kind.	To whom consigned.	Where consigned.

Sea stores consisting of spirits, wines and teas.

(Here insert the quantities particularly.)

(Signed) A. B. Master of

To

Inspector of the revenue
for the port of

And if the said master, or other person having the charge or command of any such ship or vessel, shall neglect, or omit to make the said reports, or either of them (other than that required to be made to the surveyor, inspector of the revenue as aforesaid) and the declaration or declarations, or to take the said oath as required, or shall not fully comply with the true intent and meaning of this section, as the case may be, he shall, for each and every offence, forfeit and pay the sum of one thousand dollars.

Penalty on
failing to make
report.

SEC. 31. *And be it further enacted*, That it shall not be necessary for the master, or person having the charge or command of any ship or vessel of war, or of any ship or vessel employed by any prince, or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state, to be employed in the transportation of goods, wares, or merchandise, in the way of trade, to make such report and entry as aforesaid.

Ships of war
and public
packets need
not make re-
port.

SEC. 32. *And be it further enacted*, That it shall be lawful for any ship or vessel to proceed with any goods, wares, or merchandise, brought in her, and which shall, in the manifest first delivered to any officer receiving the same, be reported as destined, or intended for any foreign port or place, from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares, or merchandise as shall be actually re-exported in the said ship or vessel accordingly, any thing herein contained to the contrary notwithstanding: *Provided always*, that the said master, or person having the charge or command of the said ship or vessel, shall first give bond, with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares, or merchandise, as the same shall be estimated by the collector and naval officer of the port, where the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares, or merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid, or secured to be paid, according to law; which bonds shall be taken for the same periods, and cancelled in like manner, as bonds herein after directed to be given for obtaining drawbacks of duties: and the form of the said bonds shall be as follows, to wit:

Vessels may
proceed to for-
eign ports with
goods brought
in them, on giv-
ing bond.

Know all men, by these presents, that we (here insert the name of the master of the vessel, and the name or names of the sureties) are held and firmly bound unto the United States of America, in the sum of _____ to be paid to the said United States: for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents; sealed with our seals, dated this _____ day of _____ in the _____ year of the independence of the United States, and in the year of our Lord one thousand _____

Form of such
bond.

Whereas the following described packages of goods, wares and merchandise, (here insert the marks, numbers, denomination, and number of packages, and contents, as far as may be, and if articles in bulk, the quantity and quality) imported into the district of _____ in the _____ (insert the denomination and name of vessel) whereof (insert name) is master, from (insert port or place where from) on the (insert date of vessel's entry) as per report and manifest then delivered by the said master, are now about to be exported and conveyed in the said (insert

denomination and name of vessel) to the port of (insert name of the port intended for) and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen here and not so exported, would have amounted to the aforesaid sum of

Now therefore, the condition of this obligation is such, that if the above bounden shall and do within months from the date hereof, produce to the collector of this district, the certificates required by law, that the said enumerated (packages of merchandise, or articles in bulk as the case may be,) have been exported to and landed at the aforesaid port of or at any other port or place without the limits of the United States, or if neither the whole, nor any part of the said goods, wares and merchandise, shall be landed within the limits of the said United States, until due entry thereof shall have been first made, and the duties thereon paid or secured to be paid according to law, then the above obligation to be void, otherwise to be, and remain in full force and virtue.

Sealed and delivered }
in the presence of }

Vessels coming in through necessity need not give bond.

Collector to put certain bonds in suit, if not cancelled.

Vessels may proceed from district to district with certain goods.

Duties to be paid or secured in the district where the goods are landed.

The master of a vessel bound to another district to obtain a copy of his report and manifest, &c.

Provided nevertheless, that such bond shall not be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made to appear in manner herein after prescribed; and the collector receiving such bonds, or any other bonds taken upon the exportation of merchandise entitled to drawback, is hereby required and enjoined, immediately after the time when by the conditions of the same, they ought to be cancelled, to put the same in suit; provided the necessary proof shall not have been produced, or further time granted therefor by the Comptroller of the Treasury.

SEC. 33. *And be it further enacted*, That it shall be lawful for any ship or vessel in which any goods, wares or merchandise shall be brought into the United States, from any foreign port or place, and which shall be specified in the manifest, verified on oath, or affirmation, before the collector of the port in which such ship or vessel shall first arrive, to be destined for other districts, to proceed with the same from district to district within the United States, in order to the landing, or delivery thereof, and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district.

SEC. 34. *And be it further enacted*, That before any ship or vessel shall depart from the district in which she shall first arrive for another district (providing such departure be not within forty-eight hours after her arrival within such district) with goods, wares or merchandise, brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report and manifest made by such master, or other person having the charge or command of such ship or vessel, certified by the said collector, to which copy shall be annexed a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district, or of the quantity and particulars of the goods which remain on board and upon which the duties are to be paid, or secured to be paid, in some other district.

The form of which certificate shall be as follows:

District of
Port of

These are to certify, that the within is a true copy of the report and manifest of the cargo of the (insert the denomination and name of the vessel) whereof (insert the name) is master from (insert the port where

from) entered at this port the (insert the day and month of entry) as exhibited on (oath or affirmation) by the said master: That no part of the said cargo as expressed in such manifest, hath been unladen or landed at this port: (or as the case may require) That there hath been unladen and landed at this port, and the duties paid or secured to be paid on the following articles, (or) That all the said cargo as expressed in the said manifest hath been duly entered and landed in this district according to law, except the following articles (here enumerate the marks, numbers, packages and contents, or if articles in bulk, the quantities, whether landed or remaining on board, as the case may require) and that bond hath here been entered as the law directs for the delivery of the (insert the whole or remaining part, as the case may require) of the said cargo, at the (insert the port and district of destination.)

Witness our hands and seals, this day of

A. B. Collector.

C. D. N. Officer.

And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master, or person having the charge or command of such ship or vessel, shall make report or entry, to or with the collector of such other district, producing and showing the said certified copy of his said first report, together with a certificate from each collector of any other district, within which any of the goods, wares, or merchandise, brought in such ship or vessel, shall have been before landed; of the quantity and particulars of such goods, wares, or merchandise, as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within forty-eight hours: *Provided always*, that the master or person having the charge or command of the said ship or vessel, shall first give bond, with one or more sureties, to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition, that the said residue of such goods shall be duly entered and delivered in such other district, or districts of the United States, for which the same shall have been reported to be destined.

And at the other district make report and exhibit his first report.

Bond to be given on the transportation of goods from district to district.

And the form of the said bond shall be as follows:

Know all men by these presents, that we (here insert the name of the master of the vessel, and the name or names of the sureties) are held and firmly bound unto the United States of America, in the sum of to be paid to the said United States; for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents; sealed with our seals; dated this day of in the year of the independence of the said United States; and in the year of our Lord one thousand

Whereas the following goods, wares, and merchandise (here insert the marks, number, denomination and number of packages and contents, as far as may be, or if articles in bulk, the quantity and quality) imported into the district of in the (insert the denomination and name of vessel) whereof (insert name) is master, from (insert name of port, &c.,) on the (insert date of vessel's entry) as per report and manifest then delivered by the said master; are now intended to be exported and conveyed in the said (insert the denomination and name of the vessel) to the district of (insert the district or districts where intended to be sent) and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen, would have amounted to the aforesaid sum of

Now therefore the condition of this obligation is such, that if the above bounden shall and do within six months from the date hereof, produce to the collector of this district the certificates

required by law, that the said enumerated (packages of merchandise, or articles in bulk as the case may be,) have been duly entered and delivered at the aforesaid district of _____ or any other port or district of the United States, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered }
in the presence of }

How the said
bond shall be
cancelled.

And the said bond shall be cancelled or discharged within six calendar months from the date thereof, by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods, in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, and to the naval officer of such port (if any) that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole, or any part of the said goods, shall not have been lost, that the same have been duly entered and delivered within the United States.

And the form of the certificate aforesaid shall be as follows:—

District of _____

Port of _____

These are to certify, that there have been unladen and landed at this port, from on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert district and port where from) the following packages of merchandise (here detail the several packages with their respective denominations, their marks and numbers, and if any articles in bulk, the quantities delivered) for which the duties have been (paid or secured) at the aforesaid port of (insert the port.)
Witness our hands and seals this _____ day of _____

A. B. Collector.

C. D. N. Officer.

Penalty on
failing to obtain
copy of the first
report, &c.

And if the master, or other person having the charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report, from the collector of the district from which he shall be so about to depart, or if [of] any certificate which he ought to obtain as aforesaid, or shall neglect to produce and show the same to the collector of any other district, to which the said ship or vessel shall afterwards proceed within the time for that purpose herein before specified, he shall forfeit and pay, for every such neglect or omission, five hundred dollars.

Duty of mas-
ters of vessels
proceeding from
district to dis-
trict with spirits,
wines and teas.

SEC. 35. *And be it further enacted,* That in addition to the provisions and requirements aforesaid, it shall be the duty of each and every master, or other person having the charge or command of any ship or vessel, arriving from any foreign port or place, having on board distilled spirits, wines, or teas, other than sea stores, intended to be transported from one port in the United States, to another port in the said United States, whether in the same or in different districts, previous to the departure of such ship or vessel from the port at which she shall first arrive, to apply to the surveyor or officer acting as inspector of the revenue for the port, for a certificate of the quantity and particulars of such spirits, wines, or teas, as shall have been certified, or reported to him to have been imported in such ship or vessel, and of the quantity and particulars of such spirits, wines, or teas, as shall appear to have been landed out of such ship at such port; which certificate the surveyor or inspector of the revenue shall forthwith grant, and the master or person having the charge or command of such ship or vessel, shall, within twenty-four hours after her arrival at the port to which she shall be bound, deliver the said certificate to the surveyor, or person acting as inspector of the revenue of such last mentioned port; and if such

ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits, wines or teas brought in her as aforesaid, without having first obtained such certificate, or if within twenty-four hours after her arrival at such other port, the said certificate shall not be delivered to the surveyor or inspector as aforesaid, the master or person having the charge or command of the said ship or vessel shall, in either case, forfeit the sum of five hundred dollars, and the spirits, wines or teas on board her shall be forfeited and may be seized.

And the form of the said certificate shall be as follows:—

District of

Office of Inspection for the
Port of

I certify that the within is a true copy of the report made to me of distilled spirits, wines and teas imported in the (insert the name and denomination of the vessel) built in (here insert where built in the United States, or to what foreign nation belonging) burthen (here insert the tonnage of the vessel) whereof (here insert the name of the master) from (here insert the foreign port from which the vessel last sailed) bound to (here insert the port or ports to which destined in the United States,) that no part of the said spirits, wines or teas hath been unladen or landed at this port (or as the case may require.) That there have been landed at this port in pursuance of permits for that purpose, the following quantities, to wit: (here insert the marks, number, description of packages, casks, chests, kinds and quantities of all spirits, wines and teas landed at the port of inspection, agreeably to the form prescribed for the report) and no other or greater quantities than are above expressed, (or) that all the said spirits, wines and teas have been duly landed in this district, except the following, the duties whereof are to be paid or secured to be paid in the district of (insert the district of destination and enumerate the marks, numbers, description of casks, chests or other packages, kinds and quantities of all spirits, wines and teas, which remain on board.)

Witness my hand the day and year aforesaid,

A. B. Inspector of the revenue
for the port of

And each and every surveyor, or officer acting as inspector of the revenue, for any port at which a ship or vessel may arrive with a certificate as aforesaid, shall certify in manner aforesaid all deliveries of spirits, wines or teas, made at their respective ports, which certificate shall be annexed to the certificate granted at the port of original importation.

Penalty on failing to comply with those duties.

Form of inspector's certificate for spirits, wines and teas, transported from district to district.

Certificate to be had of the inspector at the port of delivery.

Entry of goods to be made within fifteen days after the master's report.

SEC. 36. *And be it further enacted,* That the owner or owners, consignee or consignees of any goods, wares or merchandise, on board of any such ship or vessel, or in case of his, her or their absence or sickness, his, her or their known agent or factor, in his, her or their names, within fifteen days after the report of the master, or person having the charge or command of such ship or vessel, to the collector of the district for which such goods, wares or merchandise shall be destined, shall make entry thereof in writing with the said collector, and shall in such entry specify the vessel and master's names in which, and the port or place from whence such goods, wares or merchandise were imported, the particular marks, numbers, denomination and prime cost, including charges of each particular package or parcel whereof the entry shall consist, or if in bulk, the quantity, quality and prime cost, including charges thereof, particularly specifying the species of money in which the invoices thereof are made out; and shall also produce to the said collector and naval officer (if any) the original invoice or invoices of the said goods, wares or merchandise, or other documents received in lieu

thereof, or concerning the same, in the same state in which they were received, with the bill or bills of loading for the same; which invoices shall be signed by the persons in the offices of the collector and naval officer, who shall have compared and examined the same; and the said entry or entries shall, as the nature of the case will admit or require, be agreeably to the form following, to wit;

Form of entry. Entry of merchandise imported by (insert the name of the importer or consignee) in the (insert the name and denomination of the vessel, and master's name) from (insert the place from which arrived) (insert date of entry.)

	Marks.
	Numbers inclusive.
	Packages and contents.
	Quantity per invoice of articles not subject to specific duties.
	Value of articles subject to specific duties.
	Value subject to 10 per cent. ad valorem.
	Value subject to 12½ per cent. ad valorem.
	Value subject to 15 per cent. ad valorem.
	Value subject to 20 per cent. ad valorem.
	Value subject to 40 per cent. ad valorem.
	Amount of free goods.
	Charges not subject to duty.
	Total amount per invoice.

Form of the entry may be varied.

Oath to be made on entry.

Form of the oath.

Provided, That the form before mentioned shall and may be varied and adapted to any alterations which may be made in the rates of duties upon goods, wares and merchandise, hereafter to be imported into the United States. And the entry or entries to be made by any importer, consignee or agent as aforesaid, shall be verified by the oath or affirmation of the person making the same, the form of which oath or affirmation shall, as the case may require, be as follows, to wit:

District of
Port of

I (here insert the name of the person making entry) do solemnly, sincerely and truly swear (or affirm) that the entry now subscribed with my name, and delivered by me to the collector of (insert the name of the district) contains a just and true account of all the goods, wares and merchandise imported for sale, or intended to be landed in this district, for me or on my account, or on account of any house of trade or partnership in which I am concerned, in this district, or which actually came consigned to me, or to any house of trade or partnership in which I am concerned, or (if the entry be made by an agent) imported by, or consigned to (insert the name of the person or firm for whom entry is made) and intended for sale or to be landed in this district, in the (insert the name and denomination of the vessel) whereof (insert the name of the master) is master, from (insert the name of the port from which the vessel arrived) that the said entry contains a just and true account in (insert the denomination of money in which the invoices and entry are made) of the cost thereof, including all charges; that the invoice or invoices and bill or bills of loading now produced by me, are the true, genuine and only invoices and bills of loading by me received, of the said goods wares and merchandise imported or consigned as aforesaid, and the only invoices by which I have been charged, or for which I am to account, and that the said invoices and bills of loading are in the actual state in which they were received by me, and that I do not know of any other invoices or account of the said goods, wares or merchandise, different from what is or are here produced: I do further swear (or affirm) that if I hereafter discover any other or greater quantity of

goods, wares or merchandise, than is contained in the entry aforesaid, or shall receive any invoice of the whole or any part thereof, other in quantity, quality and price than has been now exhibited, I will immediately and without delay report the same to the collector of this district: I also swear (or affirm) that nothing has been concealed or suppressed in the entry aforesaid, whereby to avoid the just payment of the duties imposed by the laws of the United States, and that all matters are justly and truly expressed therein, according to my best knowledge and belief. So help me God.

Sworn (or affirmed) this day of before A. B. Collector.

Provided, That whenever any entry shall be made with the collector of any district, of merchandise imported into the United States subject to duty, by any agent, factor, or person, other than the person to whom they belong, or to whom they are ultimately consigned, it shall be the duty of the collector to take a bond with surety from such agent, factor or person (other than the bond or [bonds] for securing the duties, in the penal sum of one thousand dollars) with condition that the bona fide owner or consignee of such goods, wares or merchandise, shall, on or before the first day of payment stipulated in the bond or bonds for securing the duties, deliver, or cause to be delivered to the said collector, a full and correct account of the said goods, wares and merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required by this section in respect to an entry previous to the landing of any merchandise, which account shall be verified as in the case of an entry, by a like oath or affirmation, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a state, or before a collector of the customs of the same or some other district; and in case of the payment of the duties, at the time of entry, by any factor or agent, on the goods, wares or merchandise entered by him, the condition of the bond aforesaid shall be to produce the account of the proper owner, or consignee, verified in manner as before directed, within ninety days from the date of such bond.

When entry is made by an agent, he shall give bond, conditioned for producing an account of the goods, verified by the owner.

And the form of the said bond shall be as follows, to wit:

Know all men by these presents, that we (here insert the names of the principal surety or sureties) are held and firmly bound unto the United States of America, in the sum of one thousand dollars, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Form of bond to be given by the agent.

Witness our hands and seals this day of one thousand seven hundred and ninety

Whereas the above bounden has this day duly entered at the custom-house of and (paid or secured to be paid, as the case may be) the duties on sundry goods, wares and merchandise imported in the (insert the denomination and name of the vessel) whereof (insert name) is master, from (insert the port or place where from) as particularly enumerated in the entry thereof made and subscribed by the said in behalf of (insert the name or names of the person or persons, actual owners, or consignees) bearing equal date herewith.

The condition of this obligation therefore is such, that if the said bounden shall, on or before the deliver or cause to be delivered to the collector of the customs for the district of (insert name of the district where the bond is taken) a full and correct account from the said (insert name of the actual owner or consignee) of the aforesaid merchandise imported by him on his own account, or consigned to his care, verified by the oath of the said

being the proper owner or consignee, in manner and form as would be required if he were personally present, taken before any judge of the United States, or of a court of record of a state, or before the collector

of any other district, then this obligation shall be null and void, otherwise it shall be and remain in full force and virtue.

Sealed and delivered }
in the presence of }

Manner of making an entry, where the particulars of goods are not known.

Provided always, That where the particulars of any goods, wares or merchandise shall be unknown, in lieu of the entry herein before directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quality and particulars of the said goods, wares and merchandise, and that he or she hath no other knowledge or information concerning the same; which entry, as well the first as the last, shall be made in writing, and shall be subscribed by the party making the same, if by the proper owner or consignee, in their own name, or if by an agent, factor or person other than such owner or consignee, in his or their names, as agents or factors for such owner or consignee: *Provided*, that in every case in which the entry of any goods, wares or merchandise shall be imperfect, for want of invoices, bills of lading, or for any other cause, it shall be the duty of the collector to take the said goods, wares and merchandise into his custody, until the quantity, quality or value thereof, as the case may require, can be ascertained in manner hereafter directed and prescribed.

In case of an imperfect entry the collector is to take the goods into custody.

Separate entry to be made of spirits, wines and teas.

SEC. 37. *And be it further enacted*, That every importer of distilled spirits, wines or teas, or person to whom distilled spirits, wines or teas are consigned, shall make a separate and additional entry thereof, specifying the name of the vessel, and master, in which, and the place from whence, such spirits, wines or teas were imported, together with the quantity and quality thereof, and a particular detail of the chests, casks, or vessels containing the same, with their marks and numbers, which entry shall be subscribed by the person making the same, for himself, or in behalf of the person for whom such entry is made; and shall be certified by the collector, before whom the same is made, as being a true copy, and conformable to the general entry before directed, in respect to all distilled spirits, wines and teas therein contained; which entry thus certified shall be transmitted to the surveyor or officer acting as inspector of the revenue for the port, where it is intended to commence the delivery of such spirits, wines or teas so entered, or any part thereof: And every permit granted by such collector and naval officer, where any, for the unlading of said spirits, wines or teas, or any part thereof, shall, previous to such landing or unlading thereof, be produced to the said officer of inspection, who shall record or register in proper books the contents thereof, and shall endorse thereupon the word, "*Inspected*," the time when, and his own name; after which he shall return the said permit to the person by whom it shall have been produced, and then, and not otherwise, it shall be lawful to land the spirits, wines or teas therein specified; and if the said spirits, wines or teas shall be landed without such endorsement upon the permit granted for that purpose, the master, or other person having the charge or command of the ship or vessel from which the same shall have been so landed, shall for every such offence forfeit and pay the sum of five hundred dollars, and the spirits, wines or teas so landed shall be forfeited.

Spirits, wines and teas to be landed under inspection.

SEC. 38. *And be it further enacted*, That all distilled spirits, wines and teas shall be landed under the inspection of the surveyor, or other officer acting as inspector of the revenue for the port, and such of the inspectors of the customs as shall be deputed by him for that purpose, and not otherwise, on pain of forfeiture thereof, for which purpose the said officer or officers shall at all reasonable times attend: *Provided*, that this shall not be construed to exclude the inspection of any officer of the customs, as now or heretofore practised.

SEC. 39. *And be it further enacted,* That the officers of inspection of any port where distilled spirits, wines or teas shall be landed, shall, upon the landing thereof, and as soon as the casks, chests, vessels and cases, containing the same, shall be inspected, gauged or measured, brand or otherwise mark in durable characters, the several casks, chests, vessels and cases containing the same, and the said marks shall express the number of casks, chests, vessels or cases, whether of spirits, wines or teas, marked by each officer respectively, in each year, in progressive numbers for each of the said articles; also the port of importation, the name of the vessel, and the surname of the master; also each kind of spirits, wines or teas, for which different rates of duty are or shall be imposed, the number of gallons in each cask or case, if spirits or wines, the rate of proof if spirits, and the number of pounds weight if teas; also the name of the surveyor or chief officer of inspection for the port, and the date of importation; of all which particulars the chief officers of inspection shall keep fair and correct accounts, in books to be provided for that purpose.

Spirits, wines and teas to be marked.

SEC. 40. *And be it further enacted,* That the surveyor or chief officer of inspection as aforesaid, within the port or district in which the said spirits, wines or teas shall be landed, shall give to the proprietor, importer or consignee thereof, or his or her agent, a certificate, to remain with him or her, of the whole quantity of the said spirits, wines or teas, which shall have been so landed; which certificate, besides the quantity, shall specify the name of such proprietor, importer, consignee or agent, and of the vessel from on board which the said spirits, wines or teas shall have been landed, and of the marks of each cask, chest, vessel or case containing the same; which certificate shall be of the form following, to wit:

General certificate to be given to the importer of spirits, wines or teas.

District of
Inspector's Office, No.
Port of

I certify, that (here insert the name of the proprietor, importer or consignee) imported into this district on the (here insert date of importation) in the (here insert the name of the vessel, and whether of the United States or foreign, and the name of the master) from (here insert the place from which imported, the number of, and whether casks, chests, vessels or cases) of (here insert whether spirits, wines or teas, and the kind of each) marked as per margin (insert in the margin the marks and numbers, if any, at the time of importation) which (here insert whether casks, chests, vessels or cases) have been marked as follows (here insert the marks of the inspector of the port) containing (here insert the quantity of spirits, wines or teas) according to returns made to this office.

Form thereof.

A. B. Inspector.

SEC. 41. *And be it further enacted,* That the surveyor, or chief officer of inspection as aforesaid, shall in addition to the general certificate aforesaid, give to the proprietor, importer or consignee of any distilled spirits, wines or teas, or his or their agent, a particular certificate, which shall accompany each cask, chest, vessel or case of distilled spirits, wines or teas, wherever the same may be sent, within the limits of the United States, as evidence that the same have been lawfully imported; and which certificate shall be of the form following, to wit:

Particular certificate to be given to the importer to accompany each cask, &c.

No. District of
Port of

I certify, that there was imported into this district on the (here insert the date of importation) by (here insert the name of the proprietor, importer or consignee) in the (here insert the name of the vessel, the surname of the master, and whether a vessel of the United States or a foreign vessel) from (here insert the place from which imported) one

Form thereof.

(here insert whether cask, chest, vessel or case, by the proper name) of (here insert whether spirits, wines or teas, and the kind of each) numbered and marked as per margin, (the marks of the inspector to be inserted in the margin) containing (here insert the number of gallons and rate of proof, if spirits, or gallons, if wines, or the number of pounds' weight nett if teas.)

A. B. Supervisor.

Countersigned by

C. D. Inspector.

Supervisors to provide blank certificates.

SEC. 42. *And be it further enacted*, That the supervisors of the several districts shall provide blank certificates, under such checks and devices as shall be prescribed by the proper officers of the treasury, and shall number, sign and deliver the same to the officers who may perform the duties of inspectors of the revenue, for the several ports in their respective districts; which blank certificates shall be filled up and countersigned by the inspectors of the revenue aforesaid, who shall be accountable therefor to the supervisors; and the said inspectors shall make regular and exact entries of all certificates which shall be granted as aforesaid, as particularly as therein described.

On sale, certificate to be delivered to the purchaser.

SEC. 43. *And be it further enacted*, That the proprietor, importer, or consignee, or his or her agent, who may receive said certificates, shall upon the sale or delivery of any of the said spirits, wines or teas, deliver to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same, on pain of forfeiting the sum of fifty dollars for each cask, chest, vessel or case, with which such certificate shall not be delivered; and if any casks, chests, vessels or cases, containing distilled spirits, wines or teas, which by the foregoing provisions ought to be marked and accompanied with certificates, shall be found in the possession of any person unaccompanied with such marks and certificates, it shall be presumptive evidence that the same are liable to forfeiture; and it shall be lawful for any officer of the customs or of inspection to seize them as forfeited; and if upon the trial in consequence of such seizure, the owner or claimant of the spirits, wines or teas seized, shall not prove that the same were imported into the United States, according to law, and the duties thereupon paid or secured, they shall be adjudged to be forfeited.

Absence of certificates to be presumptive evidence for forfeiture of spirits, wines and teas.

On the sale of casks, &c. which have been emptied, the marks to be defaced in presence of an officer.

SEC. 44. *And be it further enacted*, That on the sale of any cask, chest, vessel or case, which has been or shall be marked pursuant to the provisions aforesaid, as containing distilled spirits, wines or teas, and which has been emptied of its contents, and prior to the delivery thereof to the purchaser, or any removal thereof, the marks and numbers, which shall have been set thereon by or under the direction of any officer of inspection, shall be defaced and obliterated in the presence of some officer of inspection or of the customs, who shall on due notice being given attend, for that purpose, at which time the certificate which ought to accompany such cask, chest, vessel or case, shall also be returned and cancelled: And every person, who shall obliterate, counterfeit, alter or deface any mark or number placed by an officer of inspection upon any cask, chest, vessel or case, containing distilled spirits, wines or teas, or any certificate thereof; or who shall sell or in any way alienate or remove any cask, chest, vessel or case, which has been emptied of its contents, before the marks and numbers, set thereon pursuant to the provisions aforesaid, shall have been defaced or obliterated, in presence of an officer of inspection as aforesaid; or who shall neglect or refuse to deliver the certificate issued to accompany the cask, chest, vessel or case, of which the marks and numbers shall have been defaced or obliterated in manner aforesaid, on being thereto required by an officer of inspection or of the customs, shall for each and every such offence forfeit and pay one hundred dollars, with costs of suit.

Penalty on defacing, &c. marks, &c. on casks, &c. or certificates; or selling casks, &c. or refusing to deliver up certificates.

SEC. 45. *And be it further enacted*, That in order to ascertain what articles ought to be exempt from duty, as the sea stores of a ship or vessel, the master or other person having the charge or command of any ship or vessel shall particularly specify the said articles, in the report or manifest to be by him made, designating them as the sea stores of such ship or vessel; and in the oath to be taken by such master, or other person, on making such report in manner before prescribed, he shall declare that the articles so specified as sea stores are truly such, and are not intended by way of merchandise or for sale; whereupon the said articles shall be free from duty. *Provided always*, that if it shall appear to the collector to whom such report and manifest shall be made and delivered, together with the naval officer where there is one, or alone, where there is none, that the quantities of the said articles, or of any part thereof, so reported as sea stores, are excessive, it shall be lawful for the said collector, jointly with the naval officer, or alone, as the case may be, in his or their discretion, to estimate the amount of the duty on such excess, which shall be forthwith paid by the said master or other person having the charge or command of such ship or vessel, to the said collector, on pain of forfeiting the value of such excess; and if any other or greater quantity of articles are found on board such ship or vessel as sea stores than are specified in such entry, or if any of the said articles shall be landed without a permit first obtained from the collector and naval officer of the port (where any) for that purpose, all such articles as are not included as aforesaid, in the report or manifest delivered on oath or affirmation, as aforesaid, by the master or other person having the charge or command of such ship or vessel, or which shall be landed without such permit as aforesaid, shall be forfeited, and may be seized; and the master, or person having the command of such ship or vessel, shall moreover forfeit and pay treble the amount or value of the articles so omitted or landed.

Report of sea stores to be made.

Duties to be paid on excessive quantities thereof.

Penalty on a false entry, and on landing without a permit.

SEC. 46. *And be it further enacted*, That from and after the thirtieth day of June next, the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the United States, shall be free and exempted from duty; and to ascertain what articles ought to be exempted, according to the true intent and meaning of the provision aforesaid, it is directed, that due entry thereof, as of other goods, wares and merchandise, but separate and distinct from that of any other goods, wares and merchandise, imported from a foreign port or place, shall be made with the collector of the district in which the said articles are intended to be landed, by the owner or owners thereof, or his, her or their agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages, and their contents, with their marks and numbers; and the person or persons who shall make the entry, shall take and subscribe an oath or affirmation before the said collector, as the case may require, in manner following, to wit:

Baggage, and mechanical implements exempt from duty.

Entry of them to be made.

District of ss.

Port of

I (here insert the name of the person making the entry) do solemnly, sincerely and truly swear (or affirm) that the entry subscribed by me and hereto annexed, contains, to the best of my knowledge and belief, a just and true account of the contents of the several (here insert whether chests, cases or packages) mentioned in the said entry, imported in the (here insert the name of the vessel, and master's name) from (here insert the port from which arrived) and that they contain no goods, wares or merchandise whatever, other than the wearing apparel and other personal baggage (or if the case require) and the tools of the trade of (here insert what mechanical trade) all of which are the property of (here insert to whom belonging, and family, as the case may require) who has

Form of oath.

or have arrived (or as the case may require) who is or are shortly expected to arrive in the United States; and are not directly or indirectly imported for any other person or persons, or intended for sale.

So help me God.

Bond to be given when entry thereof is made by an agent.

And in case the party shall be other than the owner of the said articles, he or she shall give bond, with one or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles, if imported subject to duty; the form of which bond shall be as follows:

Know all men by these presents, that we (here insert the names of the principal and sureties) are held and firmly bound unto the United States of America, in the sum of _____ to be paid to the said United States; for payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals. Dated the _____ day of _____ in the _____ year of the independence of the United States, and in the year of our Lord one thousand _____

Whereas the above named _____ has this day, for and in behalf of _____ exhibited an entry, subscribed with his name, of the following packages of wearing apparel and other articles, as being exempted from duty (here insert the number and description of packages, together with their marks and numbers) and has made oath before the collector of the district of _____ that the said articles are the property of the said _____ that they are truly and bona fide intended for the sole use of himself and (family, as the case may require) and are not directly or indirectly imported for any other person, or intended for sale.

Now, therefore, the condition of this obligation is such, that if the said _____ shall, within one year from the date hereof, take and subscribe the oath prescribed by law in such case, before the said collector, or if the said oath, duly authenticated, shall be produced to the said collector agreeably to the true intent and meaning of the said law, then this obligation to be void, or else to remain and be in full force and virtue.

Sealed and delivered }
in the presence of }

Baggage, &c. may be examined.

And on compliance with the conditions aforesaid, and not otherwise, a permit shall and may be granted for landing the said articles: *Provided nevertheless*, that whenever the collector and naval officer (if any) shall think proper so to do, they may and are hereby authorized, in lieu of the provisions and directions before mentioned, to direct the baggage of any person arriving within the United States, to be examined by the surveyor of the port, or an inspector of the customs, and to make a return of the same; and if any articles shall be contained therein, which in their opinion ought not to be exempted from duty, according to the true intent and meaning of this act, due entry shall be made therefor, and the duties thereon paid or secured to be paid: *And provided*, that whenever any article or articles subject to duty, according to the true intent and meaning of this act, shall be found in the baggage of any person arriving within the United States, which shall not, at the time of making entry for such baggage be mentioned to the collector before whom such entry is made by the person making the same, all such articles so found shall be forfeited, and the person in whose baggage they shall be found shall moreover forfeit and pay treble the value of such articles.

Forfeiture in case articles, subject to duty and not entered, are found therein.

Articles of the growth, &c. of the U. States, when brought back, to be free of duties.

SEC. 47. *And be it further enacted*, That on any goods, wares or merchandise, of the growth or manufacture of the United States, which may have been exported to some foreign port or place, and brought back to the said states, and upon which no drawback, bounty or allowance has been paid, no duty shall be demanded. *Provided*, that the regulations herein after prescribed, for ascertaining the identity of such goods, wares or merchandise, be observed and complied with.

SEC. 48. *And be it further enacted*, That report and entry of goods, wares or merchandise, returned as aforesaid, shall be made as in other cases of goods, wares and merchandise imported from a foreign port or place; and proof, by oath or affirmation of the person or persons having knowledge of the facts, shall be made to the satisfaction of the collector of the district with whom such entry shall be made, jointly with the naval officer, if there be a naval officer, or alone, if there be no naval officer, that the said articles had been exported from the United States, as of the growth, produce or manufacture of the same, and of the time when, by whom, in what ship or vessel, and for what port or place, they were so exported; the form of which oath or affirmation shall be as follows:

Report, entry
and oath to be
made, in such
case.

District of ss.

Port of

I, A. B., do solemnly, sincerely and truly swear, (or affirm, as the case may be) that the several articles of merchandise, mentioned in the entry hereto annexed, are to the best of my knowledge and belief, truly and bona fide of the growth, product or manufacture of the United States, (as the case may be) and that they were truly exported and imported as therein expressed, and that no drawback, bounty or allowance has been paid or admitted thereon, or any part thereof. So help me God.

Report of the
oath.

Sworn to,

A. B.

And if the collector, who may receive the entry aforesaid, shall be other than the collector of the district from which the said articles shall have been exported, a certificate of the latter shall be produced to the former, testifying the exportation thereof; the form of which shall be as follows:

Certificate of
their exportation
to be produced:

District of
Port of

This is to certify that there were cleared out at this port on the (insert the day of clearance) in the (insert the denomination and name of the vessel) whereof (insert the name) was master, for (insert the port or place for which cleared) the following articles of merchandise (here enumerate the number of packages, their denominations, marks, and numbers, together with their contents) on which no drawback, allowance or bounty hath been paid or admitted.

Form thereof:

A. B. Collector.

C. D. Naval Officer.

Whereupon a permit shall and may be granted for landing the same. *Provided*, that if the said certificate cannot be immediately produced, and if the proof otherwise required shall be made, a bond shall and may be given in the following form, with one or more sureties, to the satisfaction of the collector of the district, within which the said articles are intended to be landed, in a sum equal to what the duties would be on the said articles, if they were not of the growth, product or manufacture of the United States:

Permit to be
granted.

Bond may be
taken to pro-
duce the certi-
cate.

Know all men by these presents, that we (insert the name of the principal and sureties) are held and firmly bound unto the United States of America, in the sum of to be paid to the said United States, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this day of in the year of the independence of the United States, and in the year of our Lord one thousand seven hundred and ninety

Form of such
bond.

Whereas has this day made entry at the custom-house of the port of of the following articles, viz. (here particularize the packages, marks, numbers and contents) as per entry by him subscribed, and hath likewise sworn (or affirmed) before the collector of the said port, that the said articles are of the growth, product or manufacture of

the United States, and that they were exported from the district of
in the whereof was master, on or about the
and whereas the duties on the aforesaid articles, if of foreign
growth or importation, would amount to the aforesaid sum of

The condition therefore of this obligation is such, that if the above
bounden do, within six months from the date hereof, produce, or
cause to be produced, to the collector of the district of a certifi-
cate under the hand and seal of the collector (and naval officer if any)
of the aforesaid port of of the said articles having been actually
exported from thence as herein set forth, subject to no drawback, bounty
or allowance, then this obligation to be void and of no effect, otherwise
it shall be and remain in full force and virtue.

Sealed and delivered }
in the presence of }

And upon receiving a bond as aforesaid, it shall be lawful for the said
collector, and naval officer, where any, to grant a permit for landing of
the said articles in like manner as if the said certificate had been pro-
duced; and in default of such certificate being produced, within the
time limited in such bond, the collector taking the same is required and
enjoined to enforce the payment thereof, as in the case of other bonds
taken for duties on goods, wares and merchandise imported into the
United States.

Manner in
which oaths and
affirmations are
to be taken.

SEC. 49. *And be it further enacted*, That all oaths or affirmations to
be taken, upon making of any of the reports or entries, or respecting
any of the acts herein mentioned, whether by the master or other per-
son having the charge or command of any ship or vessel, or the owner
or consignee of any goods, wares or merchandise, his or her factor or
agent, or by any other person, shall be administered by the collector, or
officer to or with whom report or entry shall be made, and shall be
reduced to writing, and subscribed by the person swearing or affirming,
and also by the person administering the said oaths or affirmations.

Duties to be
estimated and
endorsed on the
entry;

And the collector jointly with the naval officer, or alone where there is
none, shall, according to the best of his or their judgment or informa-
tion, make a gross estimate of the amount of the duties on the goods,
wares or merchandise, to which the entry of any owner or consignee,
his or her factor or agent, shall relate, which estimate shall be endorsed
upon such entry, and signed by the officer or officers making the same.

which being
paid or secured,
permit to land
shall be granted.

And the amount of the said estimated duties having been first paid, or
secured to be paid, pursuant to the provisions of this act, the said col-
lector shall, together with the naval officer, where there is one, or alone
where there is none, grant a permit to land the goods, wares and mer-
chandise, whereof entry shall have been so made, and then, and not
before, it shall be lawful to land the said goods; and all permits shall
specify, as particularly as may be, the goods to be delivered, namely, the
number and description of the packages, whether trunk, bale, chest,
box, case, pipe, hogshead, barrel, keg, or any other packages whatever,
with the mark and number of each package, and as far as circum-
stances will admit, the contents thereof, together with the names of the
vessel and master, in which, and the place from whence they were im-
ported; and no goods, wares or merchandise shall be delivered by any
inspector or other officer of the customs, that shall not fully agree with
the description thereof in such permit: And the form of all permits for
the purposes aforesaid, and for deliveries from the public stores, shall be
as follows:

Specification
to be contained
in such permits.

Port of

To the inspectors of the port (or) the keeper of the public store (as the
case may require.)

Form of per-
mits to land.

We certify, that (insert the name of the actual owner or consignee)
has paid (or) secured to be paid (as the case may be) the duties on mer,

chandise contained in the following packages, in conformity to the entry thereof of this date, which merchandise was imported in the (insert the denomination and name of vessel, master's name, and the port from which arrived) permission is accordingly hereby given to land (or) deliver the same, viz. (here particularly insert the mark, number and denomination of each package, and as far as may be, their contents, noting those articles that are to be either weighed, gauged or measured.)

A. B. Collector.

C. D. Naval Officer.

SEC. 50. *And be it further enacted*, That no goods, wares or merchandise, brought in any ship or vessel from any foreign port or place, shall be unladen or delivered from such ship or vessel, within the United States, but in open day, that is to say, between the rising and setting of the sun, except by special license from the collector of the port, and naval officer of the same, where there is one, for that purpose, nor at any time without a permit from the collector, and naval officer, if any, for such unloading or delivery; and if any goods, wares or merchandise shall be unladen or delivered from any such ship or vessel, contrary to the direction aforesaid, or any of them, the master or person having the charge or command of such ship or vessel, and every other person who shall knowingly be concerned, or aiding therein, or in removing, storing, or otherwise securing the said goods, wares or merchandise, shall forfeit and pay, each and severally, the sum of four hundred dollars for each offence, and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in a newspaper, printed in the state in which he resides, within twenty days after each respective conviction; and all goods, wares or merchandise, so unladen or delivered, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof, according to the highest market price of the same, at the port or district where landed, shall amount to four hundred dollars, the vessel, tackle, apparel and furniture shall be subject to like forfeiture and seizure.

Goods to be landed in the daytime, and not without a permit.

Penalty.

SEC. 51. *And be it further enacted*, That no goods, wares or merchandise, brought in any ship or vessel, from any foreign port or place, requiring to be weighed, gauged, or measured, in order to ascertain the duties thereupon, shall, without the consent of the proper officer, be removed from any wharf, or place, upon which the same may be landed or put, before the same shall have been so weighed, gauged or measured, and if spirits, wines, teas or sugars, before the proof or quality and quantity thereof is ascertained and marked thereon, by or under the direction of the proper officer for that purpose; and if any such goods, wares or merchandise shall be removed from such wharf or place, unless with the consent of the proper officer had and obtained, before the same shall have been so weighed, gauged or measured, and if spirits, wines, teas or sugars, before the proof or quality and quantity shall have been so ascertained and marked, the same shall be forfeited, and may be seized by any officer of the customs or inspection.

Goods not to be removed before being weighed, &c.

On pain of forfeiture.

SEC. 52. *And be it further enacted*, That all goods, wares and merchandise, of which entry shall have been made incomplete, or without the specification of particulars, either for want of the original invoice or invoices, or for any other cause, or which shall have received damage during the voyage, to be ascertained by the proper officers of the port or district in which the said goods, wares or merchandise shall arrive, shall be conveyed to some warehouse or storehouse, to be designated by the collector, in the parcels or packages containing the same, there to remain with due and reasonable care, at the expense and risk of the owner or consignee, under the care of some proper officer, until the

In case of incomplete entry, and of damage, goods to be stored.

Mode of appraising goods and ascertaining damage.

particulars, cost or value, as the case may require, shall have been ascertained either by the exhibition of the original invoice or invoices thereof, or by appraisement, at the option of the owner, importer or consignee, in manner hereafter provided, and until the duties thereon shall have been paid, or secured to be paid, and a permit granted by the collector for the delivery thereof. And for the appraisement of goods, wares and merchandise, not accompanied with the original invoice of their cost, or to ascertain the damage thereon received during the voyage, it shall be lawful for the collector, and upon request of the party, he is required to appoint one merchant, and the owner, importer or consignee to appoint another, who shall appraise or value the said goods, wares or merchandise accordingly, which appraisement shall be subscribed by the parties making the same, and be verified on oath or affirmation before the said collector; which oath or affirmation shall be in the form following, to wit:—

Appraisers' oath.

We (insert the names of the persons) appointed by the collector of (here insert the name of the port or district) and (here insert the name or names of the importer or importers) to ascertain the contents, and appraise the value of the merchandise contained in the several packages described in the within or annexed entry or account, do solemnly, sincerely and truly swear (or affirm) that the several articles detailed in the annexed appraisement, subscribed with our names, contains a full and true account of all the merchandise whatsoever contained in the several packages mentioned in such entry or account, and that the several prices by us affixed to each article are, to the best of our skill and judgment, the true and actual value or cost thereof, at the place of exportation. So help us God.

Duty of appraisers as to damaged goods.

And in respect to articles that have been damaged, during the voyage, as aforesaid, whether subject to a duty ad valorem, or which are chargeable with a specific duty, either by number, weight or measure, the appraisers as aforesaid shall in like manner ascertain and certify, to what rate or per centage, the said goods, wares or merchandise are damaged, and the rate or per centage of damage, so ascertained and certified, shall be deducted from the original amount, subject to a duty ad valorem, or from the actual or original number, weight or measure on which specific duties would have been computed: *Provided*, that no allowance for the damage on any goods, wares and merchandise, that have been entered, and on which the duties have been paid or secured to be paid, and for which a permit has been granted to the owner or consignee thereof, and which may on examining the same prove to be damaged, shall be made, unless proof to ascertain such damage shall be lodged in the custom-house of the port or place where such goods, wares or merchandise have been landed, within ten days after the landing of such merchandise. And every person who shall be appointed to ascertain the damage during the voyage, of any goods, wares or merchandise, shall take and subscribe an oath or affirmation in the following form, to wit:

Allowance for damage.

No allowance for damage, unless proof be lodged within ten days, after landing.

Oath of persons appointed to ascertain damages.

We (insert the names of the persons) appointed by the collector of the district of (insert the name of the district) and (insert the name or names of the owner or owners, consignee or consignees) to ascertain and appraise the damage sustained on merchandise imported by (insert the name or names of the importer or importers) in the (insert denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which imported) do solemnly, sincerely and truly swear (or affirm) that we have carefully examined the several packages hereafter enumerated and described, and find the several articles of merchandise, as particularly detailed, contained in the said packages, to have received damage, as we believe, during the voyage of importation, and that the allowance, by us made for such damage, is to the best of our skill and judgment, just.

So help us God.

SEC. 53. *And be it further enacted*, That it shall be lawful for the collector of any district at which any ship or vessel may arrive, and immediately on her first coming within such district, and for the surveyor of any port where such ship be, to put and keep on board such ship or vessel, whilst remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo, or contents of such ship or vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States, and to perform such other duties, according to law, as they shall be directed by the said collector, or surveyor, to perform for the better securing the collection of the duties: *Provided*, that collectors only shall have power to put on board ships or vessels, inspectors to go from one district to another; and the said inspector or inspectors, shall make known to the person having the charge or command of such ship or vessel, the duties he or they, is or are, so to perform; and shall suffer no goods, wares or merchandise of any nature or kind whatsoever to be landed or unladen, or otherwise taken or removed from such ship or vessel, without a permit in writing from the collector of the port, and naval officer thereof, where any, first had and granted for that purpose, and the inspector aforesaid shall enter in a book, to be by him or each of them kept according to such a form as shall be prescribed or approved by the collector, the name or names of the person or persons in whose behalf such permits are granted, together with the particulars therein specified, and the marks, numbers, kinds and description of the respective packages, which shall be unladen pursuant thereto, and shall keep a like account in the said book of all goods, wares and merchandise, which not having been entered within the time limited by this act, or for some other cause, have been sent to the store or warehouse, provided for the reception of such goods, wares or merchandise; which book shall be delivered to the surveyor in the month of January in every year for his inspection, and immediately after such inspection, be transmitted by the surveyor, with such observations as he may think necessary thereon, to the collector, to be deposited in his office. And it shall be the duty of the said inspector or inspectors, to attend to the delivery of the cargo or cargoes under their care, at all times when the unlading or delivery of goods, wares and merchandise is lawful, particularly from the rising till the setting of the sun on each day, Sundays and the Fourth day of July in each year excepted; for which purpose they shall constantly attend and remain on board the vessel or vessels, the deliveries from which they are to superintend, or at any other stations where their inspection is necessary. And said inspector or inspectors shall not quit such stations or places, without the leave of the surveyor of the port first had and obtained for that purpose, who shall appoint another inspector (if he shall judge it necessary) to supply the place of such inspector or inspectors, during his or their absence; and any inspector, who shall neglect or in any manner act contrary to the duties hereby enjoined, shall for the first offence forfeit and pay the sum of fifty dollars, and for the second offence, shall be displaced, and be incapable of holding any station of trust or profit under the revenue laws of the United States, for a term not exceeding seven years. And no inspector or inspectors shall perform any other duties or service, on board any ship or vessel, the superintendence of which is committed to him or them, for any person or persons whatever, other than what is required by this act, under the penalty of being disabled from acting any longer as an inspector of the customs; and the wages or compensation of such inspector or inspectors, as may proceed from one district to another, shall be defrayed by the master or person having the charge or command of the ship or vessel committed to his or their care; and every inspector or other officer of the revenue, while performing any duty on board any ship or vessel, not in a port of the United

Inspectors may be put on board vessels.

Duty of inspectors.

Penalty on misbehaviour.

Wages of inspector, by whom to be paid.

To be supplied with provisions and accommodations on board of vessels.

Officers of the customs may go on board of vessels, and their duties therein.

Further duty of inspectors.

Inspectors to make returns of their deliveries to the collector and naval officer.

States, discharging her cargo, shall be entitled to receive from the master of such ship or vessel, such provisions and accommodations as are usually supplied to passengers, or as the state and condition of such ship or vessel will admit, on receiving therefor fifty cents per diem; and any master of any ship or vessel, who shall refuse provisions and reasonable accommodations as aforesaid, shall forfeit and pay one hundred dollars.

SEC. 54. *And be it further enacted*, That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters, herein after mentioned, to go on board of ships or vessels in any port of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin and every other part of a ship or vessel; and if any box, trunk, chest, cask, or other package shall be found in the cabin, steerage or fore-castle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, chest, cask or other package, and of the marks and numbers thereof, if any there be, and a description thereof, and if he shall judge proper, to put a seal or seals on every such box, trunk, chest, cask or other package; and such an account and description shall be by him forwarded without delay to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks, or other packages so described, or any of them, shall be missing, or if the seals put thereon be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask or other package so missing, or of which the seals shall be broken, the sum of two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, (and they are hereby required and enjoined so to do) to secure after sunset in each evening, or previous to their quitting the ship or vessel, the hatches and other communications with the hold of such ship or vessel, or any other part thereof he or they may judge necessary, with locks or other proper fastenings, which locks or other fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in the presence of the inspector or inspectors, by whom the same shall have been so affixed, except by special license from the collector of the port, and naval officer thereof, if any, for that purpose, first had and obtained. And if the said locks or other fastenings, or any of them shall be broken or removed, during the night or before the said rising of the sun, or without the presence of the said inspector or inspectors, or without such license first had and obtained, or if any goods or packages shall be clandestinely landed, notice thereof shall be immediately given by the inspector or inspectors, to the collector and naval officer of the district, port or place, where the vessel may be; and the master, or other person having the charge or command of any such ship or vessel, shall, for each or every of the offences aforesaid, forfeit and pay the sum of five hundred dollars.

SEC. 55. *And be it further enacted*, That when the delivery of goods, wares and merchandise from on board of any ship or vessel, shall have been completed, copies of the accounts or entries which shall have been kept or made thereof, by the officer or officers who shall have been charged with the said deliveries, shall be returned to the collector of the district and naval officer of the same, if any there be, within three days after such delivery hath been completed, if at the port where such officer or officers reside, and if at any other port, as soon as the nature of the

case will admit, not exceeding fifteen days; and the accounts or entries to be returned as aforesaid, shall comprise all deliveries made pursuant to permits as aforesaid, and all packages or merchandise sent to the public stores; also each and every package remaining on board of such ship or vessel, for the purpose of being exported therein, to a foreign port or place, or to some other district of the United States. And the returns of the inspectors, to be made as aforesaid, shall be according to the following form—namely:

Return of merchandise, unladen under my inspection, pursuant to permits for that purpose, from on board the (insert the names of the vessel and master) from (insert the port from which the vessel arrived.)

Form of inspector's return.

When delivered or sent to store.	Dates of permits.	Marks.	Numbers.	Description of packages.	Contents.	To whom delivered, or whether sent to store, or remaining on board.	Remarks.

And the returns to be made as aforesaid, shall be signed by the inspectors respectively, under whose superintendence the deliveries shall have been made; and after examination, and on being found correct, said returns shall be countersigned or certified by the surveyor of the port, if any there be, at the port where the deliveries have been made; and the said returns shall be transmitted by him to the naval officer, if any there be, who shall compare the same with the manifests and entries in his possession; and if any difference shall appear, the particulars thereof shall be noted by endorsement on the said returns, and if no difference shall appear, it shall be so noted by like endorsements,—and transmit the same to the collector of the district; and on being returned to the collector, it shall be by him compared with the manifests and entries of such goods, wares or merchandise, which shall have been made by the owner or owners, consignee or consignees, or his or their factor or agent; and if any difference shall appear, the same shall be noted by endorsement on such manifests, specifying the particulars thereof; and if no difference shall appear, it shall be noted by like endorsement, that the delivery hath corresponded with the entry or entries thereof; which endorsement or memorandum shall, in each case, be subscribed by the officer by whom such comparison shall have been made.

Inspector's return to be examined by the surveyor, naval officer and collector.

SEC. 56. *And be it further enacted*, That if at the expiration of fifteen working days, after the time within which the report of the master, or person having the charge or command of any ship or vessel, so required to be made to the collector of a district as aforesaid, there shall be found on board, any goods, wares and merchandise, other than shall have been reported for some other district, or some foreign port or place, the said inspector or inspectors shall take possession thereof. *Provided*, that with the consent of the owner or consignee of any goods, wares or merchandise, or with the consent of the owner or master of the vessel, in which the same may be imported, the said goods, wares or merchandise may be taken possession of, at any time, after five days notice to the collector of the district. And all goods, wares or merchandise, taken as aforesaid, shall be delivered pursuant to the order of the

Goods remaining on board after fifteen days to be taken into inspector's possession.

collector of the district; for which a certificate or receipt shall be granted in the following form:

District of
Port of

Form of receipt therefor.

I certify, that there has been received into store, from on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place where from) the following merchandise, to wit: (here enumerate the several packages, their denominations, marks and numbers, and if articles in bulk, the quantity) lodged by (insert the name) inspector, under whose care the said vessel was unladen.

A. B.

Such goods to be kept for nine months, and then sold.

And the said goods shall be kept with due and reasonable care, at the charge and risk of the owner or owners thereof, for the term of nine months, and if within that time, no claim be made for the same, the said collector shall procure an inventory of the said goods, and an appraisement thereof, to be made and to be verified on oath or affirmation by two or more reputable merchants before the said collector, and to remain with him; and said collector shall afterwards cause the said goods to be sold at public auction (previously causing the same to be advertised in one or more of the public newspapers, printed at or nearest to the port or place, where the sale is to be, for the space of one month) and retaining the duties thereon agreeably to such inventory and appraisement, and all charges thereon, shall pay the overplus, if any there be, into the treasury of the United States, there to remain for the use of the owner or owners, who shall, upon due proof of his, her, or their property, be entitled to receive the same; for which purpose the collector shall transmit with the said overplus a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers, and descriptions of the packages sold, their contents, the name of the vessel and master, in which, and of the port or place from whence they were imported, and the time when, and the name of the person, or persons to whom the said goods were consigned in the manifest; and the receipt or certificate of the collector shall exonerate the master or person having the charge or command of any ship or vessel, in which such goods, wares and merchandise were imported, from all claim of the owner or owners thereof: *Provided*, that nothing herein contained shall be understood to prohibit the sale of such quantities of goods, stored as aforesaid, as may be necessary to discharge the duties thereon, at the time or times, when such duties shall become due and payable. *And provided*, that where any entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith: *Provided further*, that the said limitation of fifteen days shall not extend to ships or vessels laden with salt or coal; but if the said master or owner of any such ship or vessel, so laden with salt or coal, requires a longer time to discharge her cargo, the wages, or compensation of the inspector, for every day's attendance, exceeding the said fifteen days, shall be paid by the said master or owner—and thereupon, the collector is hereby authorized and required to allow such longer time as in his judgment he may think necessary to discharge such cargo, not exceeding fifteen days. And if by reason of the delivery of the cargo, in several districts, more than the said term of fifteen working days shall in the whole be spent therein, the wages or compensation of the inspector or inspectors who may be employed on board of any ship or vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the said master or owner; and it shall be the duty of such inspectors, previously to the clearance of such ship or vessel, to render an exact account to the collector, of all such compensations as shall have been paid, or shall be due and payable by such master or owner.

The overplus, after the duties and charges are retained, to be paid into the Treasury.

Provisoos.

Wages of inspectors, exceeding fifteen days, to be paid by the master or owner.

SEC. 57. *And be it further enacted*, That if any package whatever, which shall have been reported as aforesaid, shall be wanting, and not found on board such ship or vessel, or if the goods, wares and merchandise, on board such ship or vessel, shall otherwise not agree with the report or manifest delivered by the master or other person having the charge or command of any such ship or vessel, in every such case the master, or other person having such charge or command, shall forfeit and pay the sum of five hundred dollars: *Provided nevertheless*, that if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where neither of the said others is established, or, in case of trial for the said penalty, to the satisfaction of the court, that no part whatever of the goods, wares or merchandise of such ship or vessel has been unshipped, landed or unladen since it was taken on board, except as shall have been specified in the said report, or manifest, and pursuant to permits as aforesaid, or that the said disagreement is by accident or mistake, in such case the penalty aforesaid shall not be inflicted; but in all cases as aforesaid the master, or person having the charge or command of any ship or vessel, shall be required and shall make a post entry or addition to the report or manifest by him delivered, of any and all goods, wares or merchandise omitted to be included and reported in such manifest; and it shall not be lawful to grant a permit to unlade any such goods, wares or merchandise so omitted, before such post entry, or addition to such report or manifest, has been made.

Penalty on the master, when the cargo does not agree with the report or manifest.

Post entry to be made in such cases.

SEC. 58. *And be it further enacted*, That the following allowances shall be made for the drafts and tare of the articles subject to duty, by weight, on the importation and exportation thereof, that is to say—for draft on any quantity of one hundred weight, or one hundred and twelve pounds, one pound; on any quantity above one and not exceeding two hundred weight, two pounds; on any quantity above two and not exceeding three hundred weight, three pounds; on any quantity above three and not exceeding ten hundred weight, four pounds; on any quantity above ten and not exceeding eighteen hundred weight, seven pounds; on any quantity above eighteen hundred weight, nine pounds.

Allowances for draft,

For tare on every whole chest of bohea tea, seventy pounds; on every half chest, thirty-six pounds; on every quarter chest, twenty pounds; on every chest of hyson or other green teas, the gross weight of which shall be seventy pounds, or upwards, twenty pounds; on every box of other tea, not less than fifty, or more than seventy pounds, gross, eighteen pounds; if eighty pounds gross, twenty pounds; and from eighty pounds gross and upwards, twenty-two pounds; which tares shall include rope, canvas and other coverings; on all other boxes of tea, according to the invoice or actual weight thereof; on coffee in bags, two per cent; in bales, three per cent; in casks, twelve per cent; on sugar other than loaf sugar in casks, twelve per cent; in boxes, fifteen per cent; in bags or mats, five per cent; on cocoa in casks, ten per cent; in bags, one per cent; on pimento in casks, sixteen per cent; in bags, three per cent; on cheese in hampers or baskets, ten per cent; in boxes, twenty per cent; on candles, in boxes, eight per cent; on chocolate, in boxes, ten per cent; on cotton, in bales, two per cent; in seroons, six per cent; on glauber salts in casks, eight per cent; on indigo in barrels, twelve per cent; in other casks, fifteen per cent; in seroons, ten per cent; in bags or mats, three per cent; on nails in casks, eight per cent; on pepper in casks, twelve per cent; in bales, five per cent; in bags, two per cent; sugar candy in boxes, ten per cent; segars in casks or boxes, eighteen per cent; soap in boxes, ten per cent: shot in casks, three per cent; twine in casks, twelve per cent; in bales, three per cent; on all other goods according to the invoice thereof, or actual weight—*Provided al-*

and for tare.

ways, that where the original invoices of any of the said articles are produced, at the time of making entry for such articles, and the tare or tares appear therein, it shall be lawful for the collector and naval officer, (where there is one,) if they see fit, with the consent of the importer or importers, consignee or consignees, to estimate the said tare or tares, according to such invoice, but if not determined at the time of entry, the tare or tares as above shall be granted and allowed.

Allowance for leakage and breakage.

SEC. 59. *And be it further enacted*, That there be an allowance of two per cent, for leakage, on the quantity which shall appear by the gauge to be contained in any cask of liquors, subject to duty by the gallon; and ten per cent. on all beer, ale and porter in bottles, and five per cent. on all other liquors in bottles, to be deducted from the invoice quantity, in lieu of breakage, or it shall be lawful to compute the duties on the actual quantity to be ascertained by tale at the option of the importer, to be made at the time of entry.

Vessels arriving in distress at ports, to which they are not bound, may be unloaded free from duty.

SEC. 60. *And be it further enacted*, That if any ship or vessel from any foreign port or place, compelled by distress of weather, or other necessity, shall put into any port or place of the United States, not being destined for the same, and if the master, or other person having the charge or command of any such ship or vessel, together with the mate or person next in command, shall, within twenty-four hours after her arrival, make protest in the usual form upon oath or affirmation, before a notary public or other person duly authorized, or before the collector of the district, where the said ship or vessel shall so arrive, who is hereby empowered to administer the same, setting forth the cause, or circumstance of such distress, or necessity, which protest, if not made before the collector, shall be produced to him, and to the naval officer (if any there be) and a copy thereof lodged with him or them. And the master, or other person aforesaid, shall also, within forty-eight hours after such arrival, make report in writing to the said collector, of the said ship or vessel and her cargo; as is directed hereby to be done in other cases. And if it shall be made appear to the said collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertain the condition of ships or vessels arriving in distress, if any such there be, or by the certificate of any two reputable merchants, to be named for that purpose by the said collector, if no such wardens, or other officers duly qualified there be, that there is a necessity for unloading the said ship or vessel, the said collector and naval officer (where any) shall grant a permit for that purpose, and shall appoint an inspector or inspectors to oversee such unloading, who shall keep an account of the same, to be compared with the report made by the master, or other person having the charge or command of such ship or vessel: and all goods, wares and merchandise so unladen, shall be stored under the direction of the said collector, who, upon request of the master or person having the charge or command of such ship or vessel, or of the owner or owners thereof, shall, together with the naval officer, where there is one, and alone where there is none, grant permission to dispose of such part of the said cargo as may be of a perishable nature (if any there be) or as may be necessary to defray the expenses attending such ship or vessel, and her cargo: *Provided*, that entry shall be made therefor, and the duties thereon as in other cases shall be first paid, or secured to be paid: *And provided*, that in case the delivery of the cargo do not agree with the report thereof, made by the master or other person having the charge or command of such ship or vessel, and if the difference, or disagreement be not satisfactorily accounted for in manner prescribed by this act, the master, or other person having the charge or command of such ship or vessel, shall be liable to such penalties as in other like cases are by this act prescribed. And the said goods, wares and merchandise, or the remainder

Cargo to be stored.

Part of the cargo may be sold.

Penalty on a variance between the delivery and report.

thereof, which shall not be disposed of as aforesaid, may afterwards be reladen on board the said ship or vessel, under the inspection of the officer who superintended the landing thereof, or other proper person; and the said ship or vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the said goods, and fees to the officers of the customs as in other cases.

The cargo may be reladen.

SEC. 61. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares and merchandise at the place of importation, shall be estimated by adding twenty per cent. to the actual costs thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and ten per cent. on the actual cost thereof, if imported from any other place, or country, including all charges, commissions, outside packages and insurance only excepted.

Mode of estimating ad valorem rates of duty.

That all foreign coins and currencies shall be estimated at the following rates: each pound sterling of Great Britain, at four dollars and forty-four cents; each livre tournois of France at eighteen and a half cents; each florin or guilder of the United Netherlands, at forty cents; each mark banco of Hamburg, at thirty-three and one third cents; each rix dollar of Denmark, at one hundred cents; each rial of plate and each rial of vellon of Spain, the former at ten cents, the latter at five cents each; each milree of Portugal, at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars and ten cents; each tale of China, at one dollar and forty-eight cents; each pagoda of India, at one dollar and ninety-four cents; each rupee of Bengal, at fifty-five cents and one half; and all other denominations of money, in value, as nearly as may be to the said rates, or the intrinsic value thereof, compared with money of the United States: *Provided*, that it shall be lawful for the President of the United States, to cause to be established fit and proper regulations for estimating the duties on goods, wares and merchandise imported into the United States, in respect to which the original cost shall be exhibited in a depreciated currency, issued and circulated under authority of any foreign government.

Estimation of foreign coins and currencies.

SEC. 62. *And be it further enacted*, That all duties on goods, wares or merchandise imported, shall be paid or secured to be paid, before a permit shall be granted for landing the same; and where the amount of such duty on goods imported in any ship or vessel, on account of one person only, or of several persons jointly interested, shall not exceed fifty dollars, the same shall be immediately paid, and if it exceed that sum, shall, at the option of the importer or importers, be paid or secured to be paid by bond, if on articles the produce of the West-Indies (salt excepted) the one half in three, and the other half in six calendar months; on salt in nine calendar months; on Madeira and all other wines, in twelve calendar months; on all goods, wares or merchandise (other than wines, salt and teas imported from Europe) one third in eight, one third in ten, and one third in twelve calendar months; and all goods, wares and merchandise, other than wines, salt and teas, imported from any other place than Europe and the West-Indies, one half in six months, one quarter in nine months, and the other quarter in twelve months from the date of each respective importation; which bond or bonds shall include one or more sureties, to the satisfaction of the collector of the district where the said duties shall accrue; and on teas imported from China or Europe, it shall be at the option of the importer or importers (to be determined at the time of making entry therefor) either to secure the duties thereon, on the same terms and stipulations as on other goods, wares and merchandise imported, or to give his or her, or their bond to the collector of the district, where any such teas shall be landed, in double the amount of the duties thereupon, with condition for the payment of the said duties in two years, from the date of such

Duties to be paid or secured before goods are landed.

Terms of credit for duties.

Particular provision respecting teas imported from China or Europe.

Teas imported
from China.

bond; which bond shall be accepted by such collector without surety upon the terms following, that is to say: the teas, for the duties whereof such bond shall be accepted, shall be deposited at the expense and risk of the said importer or importers, in one or more storehouse or storehouses, as the case may require, to be agreed upon between the said importer and the inspector, or other officer of inspection of the revenue, for the port where the said teas shall be landed; and upon every such storehouse, the said inspector, or officer of inspection, shall cause to be affixed two locks, the key of one of which locks shall be kept by such importer, his or her agent, and the key of the other of which locks shall be kept by such inspector, or by such other person as he shall depute or appoint in his behalf, whose duty it shall be to attend at all reasonable times, for the purpose of delivering the said teas out of the said storehouse or storehouses; but no delivery shall be made of any of the said teas without a permit in writing, under the hand of the collector of the port and naval officer of the same, where such tea is landed; and in order to the obtaining of such permit, it shall be necessary that the duties upon the teas, for which the same shall be required, be first paid or secured to be paid to the said collector in the manner following; that is to say: the said party or parties shall give bond with one or more surety or sureties to the satisfaction of the said collector, in double the amount of the duties upon the quantity of teas in each case to be delivered, with condition for the payment of the said duties, if the same shall not exceed one hundred dollars, in four months; if it shall exceed one hundred dollars, and not exceed five hundred dollars, in eight months; or if the same shall exceed five hundred dollars, in twelve months: *Provided always*, that the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, shall not be such as to extend the credit for such duties beyond the term of two years, originally allowed upon the depositing of the said teas: *And provided*, that if the duties on any parcel of teas, which shall have been deposited as aforesaid, shall not have been paid, or secured to be paid, in manner last specified, within the term of two years, according to the condition of the obligation, to be first given to the collector of the district within which the same shall have been landed, it shall be the duty of the said collector to cause so much of the said teas as may be necessary, to be sold at public auction, and retaining the sum which shall not have been so paid or secured to be paid of the said duties, together with the expenses of safe-keeping and sale of the said teas, shall return the overplus, if any, to the owner, or owners thereof, his, her, or their agent or lawful representative; and the amount of each bond or bonds, taken for the duties on any teas delivered, after a deposit as aforesaid, shall be endorsed immediately on the original bond given by the importer or importers of the said teas, specifying the date, quantity and quality of the teas delivered, the amount of duty secured thereon, by whom, and the term of payment. *And provided*, that it shall be lawful for the collector, in lieu of sureties, as required on any bond given for securing the duties on any goods, wares and merchandise imported, to accept of a deposit of so much of the said goods, as shall in his judgment be sufficient security for the amount of the duties for which the bond shall have been given, and the charge of safe-keeping and sale of the goods so deposited, which shall be kept by the said collector, with due and reasonable care, at the expense and risk of the party or parties on whose account they have been so deposited, until the sum specified in such bond shall have become due; at which time, if such sum shall not be paid, so much of the said deposited goods as may be necessary, shall be sold at public sale, and the proceeds thereof, after deducting the charges of safe-keeping and sale thereof, shall be applied to the payment of such sum, rendering the overplus arising on such sale, and the residue of the goods so deposited,

The collector
may receive a
deposit of goods
in lieu of sure-
ties.

if any there be, to the person or persons by whom such deposit shall have been made, or to his, her, or their agent, or lawful representative: and all bonds directed to be given by virtue of this, or any other act, for monies or duties to be paid, or services to be performed for the United States, shall be taken in the name of the United States of America: *Provided nevertheless*, that no person whose bond has been received, either as principal or surety for the payment of duties, or for whom any bond has been given by an agent, factor or other person, in pursuance of the provisions herein contained, and which bond may be due and unsatisfied, shall be allowed a future credit for duties until such bond be fully paid or discharged. And to prevent frauds arising from collusive transfers, it is hereby declared, that all goods, wares or merchandise imported into the United States, shall, for the purposes of this act, be deemed and held to be the property of the persons to whom the said goods, wares or merchandise may be consigned, any sale, transfer or assignment, prior to the entry and payment or securing the payment of the duties on the said goods, wares and merchandise, and the payment of all bonds then due and unsatisfied by the said consignee, to the contrary notwithstanding. And the form of the bond to be taken for securing the payment of duties shall be as follows:

Bonds to be taken in the name of the U. States of America.

Debtors to the revenue not to receive a new credit.

Consignee to be considered as the owner.

Know all men by these presents, that we (here insert the name of the importer or consignee, or if by an agent the name of such agent, and of the importers or consignees and the sureties, their place of abode and occupation) are held and firmly bound unto the United States of America, in the sum of to be paid to the said United States; for payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals; dated this day of in the year of the independence of the said United States, and in the year of our Lord, one thousand

Form of bond for securing duties.

The condition of this obligation is such, that if the above bounden (here insert the principal or agent for such principal and the sureties) or either of them, or either of their heirs, executors or administrators, shall, and do, on or before the day of next, well and truly pay or cause to be paid, unto the collector of the customs for the district of for the time being, the sum of or the amount of the duties to be ascertained as due, and arising on certain goods, wares and merchandise, entered by the above bounden (insert the name of the importer or consignee, or agent for such importer or consignee) as imported in the master from as per entry, dated then the above obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered }
in the presence of }

SEC. 63. *And be it further enacted*, That the duties imposed by law on the tonnage of any ship or vessel shall be paid to the collector, at the time of making entry of such ship or vessel; and it shall not be lawful to grant any permit or to unlade any goods, wares or merchandise whatever from such ship or vessel, until the said tonnage duty is first paid:— And the register, or other document in lieu thereof, together with the clearance and other papers, granted by the officers of the customs to such ship or vessel at her departure from the port or place from whence she may have arrived (Mediterranean passports excepted) shall previous to such entry be produced to the collector, with whom such entry is to be made, and shall remain in his office; and on the clearance of such ship or vessel, the register and other documents shall be returned to the master or owner of such ship or vessel.

Tonnage duties to be paid on making entry, &c.

Certain ship's papers to be lodged with the collector on making entry.

SEC. 64. *And be it further enacted*, That to ascertain the tonnage of any ship or vessel, the surveyor or such other person as shall be appointed

of law, as to cases in which an act of legal bankruptcy shall have been committed. And where suit shall be instituted on any bond for the recovery of duties due to the United States, it shall be the duty of the court, where the same may be pending, to grant judgment at the return term, upon motion, unless the defendant shall, in open court, the United States attorney being present, make oath or affirmation that an error has been committed in the liquidation of the duties demanded upon such bond, specifying the errors alleged to have been committed, and that the same have been notified in writing to the collector of the district, prior to the commencement of the return term aforesaid: whereupon, if the court be satisfied, that a continuance until the next succeeding term, is necessary for the attainment of justice, and not otherwise, a continuance may be granted until next succeeding term and no longer. And on all bonds upon which suits shall be commenced, an interest shall be allowed at the rate of six per cent. per annum, from the time when said bonds become due, until the payment thereof.

SEC. 66. *And be it further enacted*, That if any goods, wares or merchandise, of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof, at the place of exportation, with design to evade the duties thereupon, or any part thereof, all such goods, wares or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited; and in every case in which the said collector shall suspect that any such goods, wares or merchandise are not invoiced at a sum equal to that for which they have usually been sold in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares or merchandise into his possession, and retain the same with due and reasonable care, at the risk and expense of the owner or owners, consignee or consignees thereof, until their value at the time and place of importation shall be ascertained, by two reputable merchants, to be chosen and appointed as in the case of damaged goods, or goods not accompanied with an invoice, and until the duties arising, according to such valuation, shall be first paid, or secured to be paid, as required by this act in other cases of importation: *Provided*, that in case of a prosecution for the forfeiture aforesaid, such appraisement shall not be construed to exclude other proof upon the trial, of the actual and real cost of the said goods at the place of exportation.

SEC. 67. *And be it further enacted*, That it shall be lawful for the collector, naval officer, or other officer of the customs, after entry made of any goods, wares or merchandise, on suspicion of fraud, to open and examine, in the presence of two or more reputable merchants, any package, or packages thereof, and if upon examination they shall be found to agree with the entries, the officer making such seizure and examination, shall cause the same to be repacked and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector, or other officer, and allowed in the settlement of their accounts; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares or merchandise contained in such package or packages shall be forfeited: *Provided*, that the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district where the same shall happen, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue.

SEC. 68. *And be it further enacted*, That every collector, naval officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or

Judgment for duties to be rendered at the first term.

Interest to be allowed upon bonds.

Goods entered with a fraudulent invoice to be forfeited.

In case of suspicion thereof the goods shall be taken into possession by the collector; and proceedings thereupon.

See Wood v. United States, 16 Peters, 342.

Officers of the customs may open packages, on suspecting fraud.

They may search suspected places for goods.

vessel, in which they shall have reason to suspect any goods, wares or merchandise, subject to duty, are concealed, and therein to search for, seize, and secure any such goods, wares or merchandise; and if they shall have cause to suspect a concealment thereof in any particular dwelling-house, store, building, or other place, they or either of them shall upon proper application on oath, to any justice of the peace, be entitled to a warrant to enter such house, store, or other place (in the daytime only) and there to search for such goods; and if any shall be found, to seize and secure the same for trial; and all such goods, wares and merchandise, on which the duties shall not have been paid, or secured to be paid, shall be forfeited.

Collector to have the custody of goods seized.

Penalty on buying or concealing goods liable to seizure.

Officers of the customs may make seizure out of their district.

They may plead the general issue.

Double costs.

Onus probandi to lie upon the claimant.

See Wood v. United States, 16 Peters, 342.

Penalty on resisting officers of the customs.

Special proviso as to the onus probandi.

2 W. 5.

§ Weighers, &c. to make returns in three days.

SEC. 69. *And be it further enacted*, That all goods, wares or merchandise which shall be seized by virtue of this act, shall be put into, and remain in the custody of the collector, or such other person as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited, or not; and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or owners, claimant or claimants thereof; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares or merchandise so concealed or purchased.

SEC. 70. *And be it further enacted*, That it shall be the duty of the several officers of the customs, to make seizure of, and secure any ship, or vessel, goods, wares or merchandise which shall be liable to seizure by virtue of this or any other act of the United States, respecting the revenue, which is now, or may hereafter be enacted, as well without as within their respective districts.

SEC. 71. *And be it further enacted*, That if any officer or other person, executing or aiding or assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge, or justice, pursuant to law, such officer or other person may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff is nonsuited, or judgment pass against him, the defendant shall recover double costs; and in actions, suits or informations to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall lie upon such claimant. And if any person shall forcibly resist, prevent, or impede any officer of the customs or their deputies, or any person assisting them, in the execution of their duty, such person so offending, shall for every such offence, be fined in a sum not exceeding four hundred dollars. And if any master, or other person having the charge or command of any ship or vessel coming into, or arriving at any port or place within the United States, shall obstruct or hinder, or shall be the cause or means of any obstruction or hindrance with such an intent, to any officer of the customs or revenue, in going on board such ship or vessel, for the purpose of carrying into effect any of the revenue laws of the United States, he shall forfeit for every such offence a sum not exceeding five hundred dollars, nor less than fifty dollars; but the *onus probandi* shall lie on the claimant only where probable cause is shown for such prosecution, to be judged of by the court before whom the prosecution is had.

SEC. 72. *And be it further enacted*, That the weighers, gaugers, and measurers, employed in the service of the revenue, shall, within three days after any vessel is discharged, make returns of the articles by them respectively weighed, gauged or measured, out of such vessel. And the

form of the return to be made by the weighers respectively, shall be as follows:

Return of (here insert the number of packages and contents) weighed from on board the (here insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which arrived.)

Form of weigh-
er's return.

Date of vessel's entry.	To whom consigned as per permit.	Marks.	Numbers.	Packages.	Contents and quality.	Weight.	Tare as allowed by law.	Tare as marked on the packages.	Amount of drafts.

District of
Port of

A. B., Weigher.

And the form of the return to be made by the gaugers respectively shall be as follows:

Return of (here insert the number of casks and packages) gauged from on board the (here insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which arrived.)

Form of gau-
ger's return.

Date of vessel's entry.	To whom consigned as per permit.	Marks.	Numbers.	Casks or packages.	Contents and quality as marked by the inspector of the revenue.	Gauge.	Wantage.	What casks empty or taken to fill up others.

District of
Port of

C. D., Gauger.

And the form of the return to be made by the measurers respectively, shall be as follows:

Return of the (here insert salt or coal as the case may be) measured from on board the (here insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which arrived.)

Form of mea-
surer's return.

Date of ves- sel's entry.	To whom con- signed per per- mit.	Number of bushels in words at length.	Quality, whether salt or coal.	Average weight of salt per bushel.

District of
Port of

E. F., Measurer.

And the said returns shall be made by the weighers, gaugers and measurers, in books to be prepared by them for that purpose, and kept in the custom houses.

Tables of fees and duties to be fixed up.

Receipts to be given for fees.

Penalty on officer of the customs taking unlawful fees.

Penalty on public gaugers, &c. in certain districts gauging, &c. for private persons, or making returns without having actually gauged, &c.

1826, ch. 82.

Penalty on inspectors, &c. neglecting their duty with respect to drawbacks.

In what monies the duties are to be paid.

Rates of foreign coins.

1793, ch. 43.

1801, ch. 76.

Proviso.

Drawback of duties to be allowed on exportation.

SEC. 73. *And be it further enacted*, That every collector, naval officer and surveyor, shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall receive, specifying the particulars whenever required so to do; and in case of failure therein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any proper court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater, or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid, for the use of the party aggrieved. And if any inspector, gauger, weigher or measurer, shall receive any gratuity, fee or reward for any services performed by virtue of this act, other than is by law allowed, or if any gauger, weigher or measurer, employed as such by the public, in the districts of Portsmouth, Salem and Beverly, Boston and Charlestown, Providence, New York, Philadelphia, Baltimore, Norfolk and Portsmouth, or Charleston, shall gauge, weigh or measure, any article or articles other than shall be directed by the proper officer in order to ascertain the duties to be received, or the drawbacks to be allowed thereon, or shall make a return of the weight, gauge or measure of any merchandise laden, or to be laden, on board any ship or vessel for the benefit of drawback upon exportation, without having actually weighed, gauged or measured the same, as the case may require, after such merchandise shall have been notified to the collector and entered for exportation, they shall for the first offence forfeit and pay the sum of fifty dollars, and for the second offence shall forfeit two hundred dollars, and be discharged from the public service; and if any inspector or other officer of the customs shall certify the shipment of any merchandise entitled to drawback on exportation, without having duly inspected and examined the same, after he shall have received the permit for lading such merchandise, or, if the amount of such drawback shall be estimated according to weight, gauge or measure, until such merchandise shall be first weighed, gauged or measured, as the case may require, he shall be subject to the like forfeitures, and be discharged from the public service.

SEC. 74. *And be it further enacted*, That all duties and fees to be collected shall be payable in money of the United States, or in foreign gold and silver coins, at the following rates; that is to say: The gold coins of Great Britain and Portugal of the standard prior to the year one thousand seven hundred and ninety-two, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain and the dominions of Spain, of the standard prior to the year one thousand seven hundred and ninety-two, at the rate of one hundred cents for every twenty-seven grains and two fifths of a grain of the actual weight thereof; Spanish milled dollars at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen pennyweights and seven grains, and in proportion for the parts of a dollar; crowns of France at the rate of one hundred and ten cents for each crown, the actual weight whereof shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. *Provided*, that no foreign coins shall be receivable which are not by law a tender for the payment of all debts, except in consequence of a proclamation of the President of the United States, authorizing such foreign coins to be received in payment of the duties and fees aforesaid.

SEC. 75. *And be it further enacted*, That a drawback of duties, as prescribed by law shall be allowed and paid on all goods, wares or merchandise imported into the United States, in respect to all such goods,

wares and merchandise, whereupon the duties shall have been paid, or secured to be paid, as, within twelve calendar months after payment made, or security given, shall be exported to any foreign port or place, other than the dominions of any foreign state immediately adjoining to the United States, either from the district of original importation, or from certain other districts; and all duties, drawbacks and allowances which shall be payable, or allowable, on any specific quantity of goods, wares, or merchandise, shall be deemed to apply in proportion to any greater or lesser quantity: *Provided*, that no goods, wares and merchandise imported, shall be entitled to a drawback of the duties paid, or to be secured thereon, unless the duties so paid or secured thereon shall amount to fifty dollars at least; nor unless they shall be exported in the original casks, cases, chests, boxes, trunks or other packages, in which they were imported, without diminution or change of the articles which were therein contained, at the time of importation, in quantity, quality or value, necessary or unavoidable wastage or damage only excepted: *Provided always*, that it shall be lawful for the exporter, or exporters of any liquors in casks, coffee in casks or other packages, cocoa in casks or other packages, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the same original importation, or into new casks, or packages corresponding therewith, to be marked and numbered as the original casks or packages, in case the original casks or packages shall, in the opinion of the officer appointed to examine the same, be so injured as to be rendered unfit for exportation, and in no other case: *Provided further*, that the filling up or change of package be done under the inspection of a proper officer, appointed for that purpose by the collector and naval officer, where any, of the port or place, from which such liquors, coffee, or unrefined sugars are intended to be exported; and the drawback on articles so filled up, or of which the packages have been changed, shall not be allowed without such inspection.

Drawback of duties to be allowed on exportation.

And where articles are imported in bulk, they shall be exported in the packages, if any, in which they were landed; for which purpose the officer delivering the same, shall return the packages they may be put into, if any, with their marks and numbers, and they shall not be entitled to drawback, unless exported in such packages, which shall be deemed the packages of original importation, nor unless they fully agree with the return made by the said officer; and in respect to distilled spirits, wines, or teas, the certificates issued by the inspector of the revenue for such spirits, wines, or teas, shall be given up, and the drawback shall not be allowed on any such spirits, wines or teas, as do not agree on examination with the certificates so given up.

SEC. 76. *And be it further enacted*, That in order to entitle the exporter or exporters of any goods, wares or merchandise to the benefit of the said drawback, or allowances, he or she shall, previous to putting or lading the same on board of any ship or vessel for exportation, give twenty-four hours notice at least to the collector of the district from which the same are about to be exported, of his, her, or their intention to export the same (unless in the case of distilled spirits, when six hours notice shall be deemed sufficient) and shall make entry in writing of the particulars thereof, and of the casks, cases, chests, boxes and other packages or parcels containing the same, or of which the same shall consist, and of their respective marks, numbers, and contents, and if imported articles, the name of the ship or vessel and master's name in which the person or persons, for or by whom and the place or places from which they were imported, also the district into which the said goods, wares or merchandise were imported, if other than the district from which they are intended to be exported. And the form of the said entry shall be as follows:

Duty of the person exporting for benefit of drawback.

1821, ch. 98.

Form of the entry for drawback. Entry of merchandise intended to be exported by (here insert the name or names) on board of the (insert the denomination and name of the vessel) whereof (insert the name of the master) is master, for (insert the port or place to which destined) for the benefit of drawback, which were imported into the district of (insert the district of original importation) on the (insert the date of importation) by (insert the name of the importer) in the (insert the denomination and name of the vessel) from (insert the foreign port or place whence they were imported) and brought into the district on the (insert the date of the vessels entry) in the (insert the denomination and name of the vessel and master) from (insert the port from whence they arrived.)

Marks.	Numbers.	Packages and contents.	Net cost of ad valorem articles as having paid duties.	Weight or gauge.	Tare and draft, or allowance for leakage.

Oath to be made. And in respect to the said imported articles, proof shall be made to the satisfaction of the collector and naval officer, where there is any naval officer, by the oath of the person or persons (including the exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation of the said articles according to law, and in conformity to such notice of their identity, and of the payment, or securing the payment of the duties thereupon: *Provided*, that if through actual sickness or absence of the importer or other person, through whose hands the said goods, wares or merchandise intended to be so exported may have passed, and not otherwise, the proof required of them, or either of them, shall and may be accepted of from their known agent, factor, or the person who usually transacts their business: And the said collector shall direct the surveyor, where any, to inspect or cause to be inspected the goods, wares or merchandise so notified for exportation, and if they shall be found to correspond fully with the notice and proof concerning the same, the said collector, together with the naval officer, if any there be, shall grant a permit for lading the same on board of the ship or vessel named in such notice and entry, as aforesaid; which lading shall be performed under the superintendence of the officer by whom the same shall have been so inspected; and the said exporter or exporters shall likewise make oath that the said goods, so noticed for exportation, and laden on board such ship or vessel, previous to the clearance thereof, or within ten days after such clearance, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be relanded within the United States, otherwise the said goods, wares and merchandise shall not be entitled to the benefit of drawback.

Goods notified for exportation, to be inspected, &c. Manner of lading. Further oath.

And the form of the direction to the surveyor of the port, where any, or to the officer who may inspect the said goods: and the permit for lading the said goods for exportation, shall be as follows:

District of
Port of

Form of the direction to inspect the goods, and permit to be laden. The surveyor will cause the articles specified in [insert the name of the person making entry] entry to be examined, and if found to agree exactly therewith, will have them [weighed, gauged, or measured, as the case may require] and then permit the same to be laden on board the [insert the denomination and name of the vessel, and the master's name] master, for [insert the port of destination] for benefit of drawback.

A. B. Collector.
C. D. Naval Officer.

To the surveyor of the port of

And in cases where the persons making entry, as aforesaid, are the persons by whom the goods, wares or merchandise, intended to be exported, were originally imported into the United States, the said entry shall, after the lading of the said goods, be verified in manner following, to wit:

Form of verifying the entry.

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles specified in the above, or annexed entry, were imported by me (or consigned to me, as the case may be) in the (insert the denomination and name of the vessel) whereof (insert the name) was master, from (insert the name of the port or place where from) that they were duly entered by me, at the custom-house of this port, and the duties paid (or secured to be paid thereon, as the case may be) that they are the same in quantity, quality, package (and value, if articles paying an ad valorem duty) as at the time of importation, necessary or unavoidable wastage or damage only excepted, and are now actually laden on board the (insert denomination and name of the vessel) whereof (insert the name) is master; and that they are truly intended to be exported by me in the said vessel, to the port of (insert the name of the port or place) and are not intended to be relanded within the limits of the United States. So help me God.

Oath of importer when exporting.

And the oath or affirmation to be taken by the importer, when goods are sold, to be exported by another person, shall be as follows:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles specified in the above or annexed entry, as imported by (or consigned to me, as the case may be) were truly imported by or consigned to me, in the (insert denomination or name of the vessel) whereof (insert the name) is master, from (insert the port or place) that they were duly entered by me at the custom-house of and the duties thereon paid (or secured to be paid, as the case may be) that they were the same in quantity, quality, package, necessary or unavoidable wastage or damage only excepted (and value, if articles paying an ad valorem duty) at the time of sale or delivery to (insert the name of the person or persons to whom sold or destined) as at the time of importation. So help me God.

Oath of importer when goods are to be exported by another person.

And the oath or affirmation to be taken, where goods are exported by a person, other than the importer, shall be as follows:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles specified in the above or annexed entry, were purchased by me, of (insert the name of the person or persons from whom purchased) that they are now actually laden on board of the (insert the denomination and name of the vessel) whereof (insert the name) is master, and were at the time of such lading, and are now the same in quantity, quality, package, necessary or unavoidable wastage or damage only excepted (and value, of articles paying an ad valorem duty) as at the time of purchase, that they are truly intended to be exported by me, in the said vessel, to the port of (insert the name of the port or place) and are not intended to be relanded within the limits of the United States. So help me God.

And the oath or affirmation to be taken by any other person than the importer or exporter of merchandise, who may have bought and sold the same, or in whose possession the same may have been, shall be as follows:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles of merchandise, specified in this entry, were purchased by me from (insert the name of the person from whom purchased) and were sold by me to (insert the name of the person to whom sold) and that they were not, to the best of my knowledge or belief, altered, or in any respect changed, in quantity, quality, value or package, necessary or unavoidable wastage or damage only excepted, while in my possession, or from the time of said purchase until the time of said sale. So help me God.

Districts from which goods may be exported subject to drawback.

Certificate to be obtained, where they are exported from a district different from that of importation.

1801, ch. 76.
1804, ch. 15.
1805, ch. 56.

SEC. 77. *And be it further enacted*, That the districts from which goods, wares or merchandise may be exported, subject to drawback, be only the districts of original importation, and those ports at which vessels from the Cape of Good Hope, or from any place beyond the same, are permitted to make entry; *Provided nevertheless*, that such goods, wares or merchandise, as are imported into a district other than the one from whence they are to be exported, shall not be entitled to drawback, unless they shall be accompanied with a certificate from the collector of the district, and naval officer of the same, if any there be, into which they were originally imported, specifying the marks, numbers and descriptions of the casks or other packages, with the names of the master and vessel, in which, the time when, and the place from whence they were imported, and where the articles are subject to duty, by weight, measure or gauge, the quantity thereof; and where they are articles subject to duty ad valorem, the net amount of each package, on which duty has been paid or secured to be paid; and in all cases the amount of the duties paid, or secured to be paid thereon, and by whom, and the names of the vessel and master, in which they are shipped from such district, and by whom; and in order to entitle any person to such certificate, he, she or they, shall make out an entry of all such goods, wares and merchandise, specifying the marks, numbers and descriptions of the casks or packages and their contents, the names of the master and vessel in which, the time when, by whom, and the place from which they were imported, the names of the master and vessel in which they are intended to be laden, and district in the United States to which they are destined; and shall moreover prove the truth of such entry, in like manner as is before required, for goods, wares and merchandise, exported from a district of original importation: which requisites being complied with, and the collector and naval officer, if any there be, satisfied therewith, they shall grant such certificate; and such goods, wares or merchandise shall be entered with the collector of the district into which they shall be brought, from the port or place of their original importation, by the person or persons so importing them, or to whom they may be consigned, specifying the names of the master and vessel in which, and the district from whence they are imported, together with the particulars of the packages, their marks, numbers, and their contents, and shall obtain a permit for the same, previous to the landing or unlading thereof; and any goods, wares or merchandise, landed without such entry being made and permit obtained, shall not be entitled to be exported, subject to drawback.

And the form of an entry of goods to be transported coastwise, for the purpose of being exported from another district, for the benefit of drawback, shall be as follows:—

Form of entry for transportation coastwise of goods entitled to drawback.

Entry of merchandise intended to be shipped by (insert the name or names) on board the (insert the denomination and name of vessel) whereof (insert the name) is master, for (insert the port and district where bound) to be exported from thence for the benefit of drawback, which were imported into this district on the (insert the date of the vessel's entry in which they were imported) by (insert the name of the importer) in the (insert the denomination and name of the vessel, and master's name) from (insert the name of the foreign port or place.)

Marks.	Numbers.	Packages and contents.	Cost of articles paying duty ad valorem.	Weight or gauge.	Tare and draft or allowance for leakage.

And the form of a certificate for the transportation coastwise, of goods intended to be exported to another district, to be granted in pursuance of the entry aforesaid, shall be as follows:

District of
Port of

We certify, that the merchandise herein after specified, which are now shipped by on board the of master, bound for the port of were duly imported into this district, on the day of by in the of master, from and the duties thereon paid, or secured to be paid, according to law.

Form of certificate for transportation coastwise of goods entitled to drawback.

Tare allowed.	Marks.	Numbers.	Packages, contents, value and rates of duty collected or secured.	Amount of duties.
			Here insert each package in detail, the contents, quality and value, if articles subject to duties ad valorem, with the rates of duty collected or secured, as the case may require.	

The amount of duties, paid or secured, being dollars.

A. B. Collector.

C. D. Naval Officer.

And the form of an entry for goods arriving coastwise, accompanied with a certificate as aforesaid, for the purpose of obtaining a drawback, shall be as follows:

Entry of merchandise, transported coastwise, for (insert the name or names of the consignee) in the (insert denomination and name of the vessel) whereof (insert the name) is master, from (insert the name of the port or district) for the purpose of being exported from the district of (insert the district in which they are to be unladen) for the benefit of drawback; which were imported in the district of (insert the district of original importation) on the (insert the date of importation) by (insert the importer's name) in the (insert the denomination and name of the vessel, and master's name) from (insert the foreign port or place from whence imported.)

Form of entry at the port of arrival of goods transported coastwise.

Marks.	Numbers.	Packages.	Contents.

And on making the said entry, an oath or affirmation shall be taken, which shall be of the form following, to wit:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) according to the best of my knowledge and belief, that the entry by me subscribed is just and true, that the merchandise therein mentioned have been duly imported and the duties thereupon paid, or secured to be paid, according to law.

Form of oath on making such entry.

And the form of a permit for unlading goods transported coastwise, with a certificate as aforesaid, for the purpose of obtaining a drawback, shall be as follows:

Port of

Permit (insert the name of the person making entry) to land, from on board the (insert denomination and name of vessel, and name of master) master from (insert the port and district from which arrived, and the number of packages and contents, with their marks and numbers, agree-

Permit for unlading goods transported coastwise, for the benefit of drawback.

able to entry) having been brought coastwise from thence, for the purpose of being exported from this district, for the benefit of drawback.

A. B. Collector.

C. D. Naval Officer.

To the surveyor of the port of

At the port of arrival the same formalities are to be observed as if they were exported from the port of original importation.

SEC. 78. *And be it further enacted*, That when any goods, wares or merchandise, subject to drawback, shall be entered for exportation from any other district than the one into which they were originally imported, the person intending to export the same, besides producing the certificate herein before directed, shall give the same notice, and make entry in like manner, and the goods, wares and merchandise, therein expressed, shall undergo the same examination, and shall be laden on board under regulations, in all respects conformable to what is required by law, relative to goods, wares and merchandise entitled to drawback, and intended to be exported from the place of original importation.

Provision for transporting of goods subject to drawback by land conveyance, &c.

SEC. 79. *And be it further enacted*, That all goods, wares and merchandise, duly imported into either of the districts of Philadelphia, New York, and Baltimore, or into the ports of Boston and Providence, which shall be transported in part by water, and in part by land conveyance, from the port of Philadelphia, by the way of Burlington, Bordentown, Lambertson, or New Brunswick and South Amboy, to New York; or from the port of New York, by the way of South Amboy, New Brunswick, or Lambertson, Bordentown, or Burlington, to Philadelphia; or from the port of Philadelphia, by way of Wilmington, Newport, Christiana Bridge, New Castle, Port Penn, or Appoquinimink and Elkton, Frenchtown or Bohemia, to Baltimore; or from the port of Baltimore by the way of Elkton, Bohemia, or Frenchtown, and Port Penn, Appoquinimink, New Castle, Christiana Bridge, Newport, or Wilmington, to Philadelphia, and which being imported into Philadelphia, shall be exported from Baltimore, or New York, or being imported into Baltimore, or New York, shall be exported from Philadelphia, or shall be transported by land conveyance, from Boston to Providence, by the post road, or from Providence to Boston by the same road, and which being imported into Boston, shall be exported from Providence, or being imported into Providence, shall be exported from Boston; shall be entitled to the benefit of a drawback of the duties, upon exportation to any foreign port or place under the same provisions, regulations, restrictions and limitations, as if the said goods, wares and merchandise were transported coastwise from one to another of the said districts, and also upon the conditions following, to wit:—That due entry shall be made with the collector of the district, from which it shall be intended to transport any goods, wares or merchandise, as aforesaid, in like manner as is required in respect to the transportation thereof coastwise, in pursuance of this act; and the said collector shall cause the goods, wares and merchandise, so entered, to be inspected and marked in durable characters, by an officer of the customs, with the name of the said officer, and the date on which such inspection shall be made; and shall grant a permit for the transportation thereof, as aforesaid, therein designating the route, and expressing the marks, numbers and contents of each chest, bale, box or other package, and all other particulars required by this act, to be inserted in a certificate for the transportation coastwise, of goods, entitled to drawback, and shall and may, whenever he may deem the same necessary for the security of the revenue, cause each chest, bale, box or other package, so permitted to be transported, to be secured with proper fastenings or under the seal of his office—and upon the arrival of any goods, wares or merchandise, transported under a permit as aforesaid, and within twenty-four hours thereafter, report and entry shall be made to the collector of the district as in the case of goods transported coastwise, pursuant to this act, at

which time the permit aforesaid shall be surrendered, and the goods, wares or merchandise shall be inspected and compared therewith; and on being found to agree, shall be entitled to drawback, on the exportation thereof to a foreign port or place, and not otherwise. And if any goods, wares or merchandise, so permitted to be transported as aforesaid, shall be transported by any other route, than that expressed in the permit, to be granted as aforesaid, or shall not be accompanied with the said permit, or if due entry shall not be made, at the port of arrival, as above required, and if the permit granted as aforesaid shall not be surrendered, or if the said goods, wares and merchandise shall be unpacked, or the contents, or any part thereof, changed before entry and inspection at the port of arrival, as above required, or if any mark, fastening or seal, placed thereon by direction of any officer of the customs, shall be defaced or broken, in each and every such case, the goods, wares or merchandise in respect to which such omission or wrong doing shall happen, or the value thereof, shall be forfeited and recovered of the person or persons, making default in either of the cases aforesaid.

SEC. 80. *And be it further enacted*, That for all goods, wares, or merchandise, entitled to drawback, which shall be exported from the district into which they were originally imported, the exporter or exporters shall be entitled to receive from the collector of such district, a debenture or debentures, for the amount of the drawback, to which such goods, wares, or merchandise are entitled, payable at the same time or times, respectively, on which the duties on the said goods, wares or merchandise shall become due. And it shall be the duty of the said collector, to discharge such debentures, out of the product of the duties arising on the importation of the goods exported as aforesaid.

Provided, That in respect to any goods, wares or merchandise, on which the whole or any instalment of the duties shall have been paid prior to an entry for exportation, the debenture for the amount of the drawback of such duties as shall have been paid, shall be made payable in fifteen days, to be computed from the time of signing the bond, to be given as herein after directed. *And provided*, that all debentures shall be issued and made payable to the original importer or importers of the goods, wares and merchandise, entered for exportation, whenever the same shall be requested, in writing, by the exporter or exporters, and not otherwise.

And where any goods, wares or merchandise, are exported from any other district than the one into which they were originally imported, it shall be the duty of the collector of such district, together with the naval officer thereof, where there is one, to grant to the exporter or exporters, a certificate, expressing that such goods, wares and merchandise were exported from such district, with the marks, numbers, and descriptions of the packages and their contents, the names of the master and vessel in which, and the port to which they were exported, and by whom, and the names of the vessel and master in which they were brought, and by whom shipped at the district from whence they came, and the amount of the drawback to which they are entitled; and such certificate shall entitle the possessor thereof, to receive from the collector of the district with whom the duties on the said goods were paid, or secured to be paid, a debenture or debentures, for the amount of the drawback expressed in the said certificate, or certificates, payable at the same time, and in like manner as is herein directed for debentures on goods, wares or merchandise, exported from the port or place of original importation: *Provided nevertheless*, that the collector aforesaid may refuse to grant such debenture or debentures, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture or debentures claimed shall exceed one hundred dollars, it shall be the duty of the said collector to represent the case to

Debenture to be issued for the amount of drawback.

Certificate to be given of the exportation of goods from a district other than that of original importation; and debenture to be issued in the district where the duties were paid or secured.

In case of error or fraud, debenture may be refused.

Drawback not
to be paid be-
fore the duties.

the comptroller of the treasury, who shall determine whether such de-
benture or debentures shall be granted or not. *And provided always,*
that in no case of an exportation of goods shall a drawback be paid,
until the duties on the importation thereof shall have been first received.
And the form of a certificate to be granted on the exportation to a
foreign port, of goods, wares or merchandise, from a district, other than
the district into which such goods were originally imported, shall be as
follows:

Form of the
certificate.

District of
Port of

We hereby certify, that the merchandise herein after specified, which
were imported into the district of _____ on the _____ of _____
by _____ in the _____ of _____ master, from _____ and
landed in this district, in the month of _____ out of the _____
of _____ master, from _____ (having been previously entered
at this office by _____,) have been exported hence by
in the _____ belonging to _____ master, bound for _____
having been previously inspected and (weighed, gauged, or measured,
as the case may require) and that the said _____ with _____ both
of _____ have entered into bond in pursuance of the laws in that case
made and provided.

Marks.	Numbers.	Packages, contents, and rates of duties.	Amount of duties.
		Here insert, in detail, the packages exported, their quality, and con- tents, the value, if ar- ticles subject to duties ad valorem, the tare, if articles on which tare is allowed, and the rates of duties.	

Nett amount of drawbacks payable, _____ dollars and
cents.

A. B. Collector.
C. D. Naval Officer.

And the form of the debentures, to be issued as aforesaid, shall be as
follows:

Form of de-
benture.

No. _____ District of _____
Debenture for _____ Port of _____

In pursuance of law, I hereby certify, that the sum of (here insert the
amount) will be due from the United States of America, payable at this
office, to (here insert the name of the exporter, or his known agent or
attorney) or order, on the (here insert the time when payable) for draw-
back of duties on merchandise imported by (here insert the name of the
importer and the denomination and name of the vessel in which they
were imported) and exported by the said (here insert the name of the
exporter.) Provided the duties arising on the importation of the said
merchandise shall have been discharged prior to the said time.

A. B. Collector.

Countersigned,
C. D. Naval Officer.

Debentures as-
signable.

And for the purpose of maintaining the credit of the said debentures,
it is hereby declared, that the debentures to be issued as aforesaid, shall
be assignable by delivery and endorsement of the parties, who may
receive the same; and in all cases where payment shall be refused by
the collectors of the districts where the said debentures were granted,
in consequence of the non-payment of the duties which accrued on the

importation of the goods for which such debentures were issued, for a longer time than three days after the same shall have been due and payable, said refusal to be proved in the same manner as in the case of non-payment of bills of exchange, it shall be lawful for the possessor or assignee of any debenture, upon which payment has been refused as aforesaid, to institute and maintain, in the proper circuit or district court of the United States, a suit against the person to whom such debenture was originally granted, or against any endorser thereof, whereby to recover the amount of such debenture, with interest at the rate of six per centum per annum, from the time when the same became due and payable. And in all suits for the recovery of money upon debentures issued by the collectors of the customs as aforesaid, it shall be the duty of the court in which such suits shall be pending, to grant judgment at the return term, unless the defendant or defendants shall, in open court, exhibit some plea, on oath or affirmation, by which the court shall be satisfied that a continuance, until the next succeeding term, is necessary to the attainment of justice; in which case, and not otherwise, a continuance until the next term may be granted.

In case of the collector's refusing to pay debentures, suit may be maintained by the holder against the grantee and indorsers thereof.

Judgment at the return term.

SEC. 81. *And be it further enacted,* That before the receipt of any debenture, in case of exportation from the district of original importation, and in case of exportation from any other district before the receipt of any such certificate, as is herein before required to be granted, the person, applying for such debenture or certificate, shall, previous to such receipt, and before the clearance of the vessel in which the merchandise were laden for exportation, or within ten days after such clearance, give bond, with one or more sureties, to the satisfaction of the collector, who is to grant such debenture or certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned, that the said goods, or any part thereof, shall not be relanded in any port or place within the limits of the United States, and that the said exporter or exporters, shall produce, within the time herein limited, the proofs and certificates required of the said goods, wares and merchandise, having been delivered without the limits aforesaid.

Bond to be given to deliver the goods at a foreign port.

And the form of the bond aforesaid, shall be as follows:

Know all men by these presents, that we _____ of the _____ of _____ are held and firmly bound to the United States of America, in the sum of _____ for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents. Witness our hands and seals, this _____ day of _____ one thousand _____

Form of the said bond.

Whereas the following merchandise has been duly imported into the United States, to wit: (here particularize the person or persons by whom the several articles were imported, the denomination and name of the vessel, master's name, from whence, into what district, and when imported, together with the marks, numbers, description of, and number of packages, with their contents) which said merchandise hath been re-shipped by the above bounden _____ in order to export the same in the _____ of _____ master, now in the port of _____ and bound for _____

The condition of this obligation therefore is such, that if the aforesaid recited merchandise, or any part thereof, be not relanded in any port or place within the limits of the United States, and if the certificates and other proofs required by law of the delivery of the same at the aforesaid port of _____ or at any other port or place without the limits of the United States, as aforesaid, shall be produced at this office, within _____ from the date hereof, then this obligation shall be null and void, but otherwise to remain in full force and virtue.

Sealed and delivered }
in the presence of }

Such bond to be discharged on producing a certificate from the consignee—

That all bonds which may be given for any goods, wares or merchandise, exported from the United States, and on which any drawback of duties or allowance shall be payable, in virtue of such exportation, shall and may be discharged, and not otherwise, by producing within one year from the date thereof, if the exportation be made to any port of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port or place to whom the said goods, wares and merchandise shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof, and their actual contents, and declaring that the same have been received by them, from on board the vessel, specifying the names of the master and vessel, from which they were so received, and where such goods, wares or merchandise, are not consigned or addressed to any particular person at the foreign port or place to which the ship or vessel is destined, or may arrive, but where the master, or other person on board such ship or vessel may be the consignee of such goods, wares or merchandise, a certificate from the person or persons to whom such goods, wares and merchandise may be sold or delivered, by such master, or other person, shall be produced to the same effect, as that required if the person or persons receiving the same were originally intended to be the consignee or consignees thereof. And in addition to the certificate aforesaid, it shall be necessary to produce a certificate under the hand and seal of the consul or agent of the United States, residing at the said place, declaring either that the facts stated in the certificate of such consignee, or other person aforesaid, are to his knowledge true, or that such certificate is deserving of full faith and credit; which certificates of the consignee, or other person, and consul, or agent, shall, in all cases, as respects the landing or delivery of the said goods, wares or merchandise, be confirmed by the oath or affirmation of the master and mate, if living, or in case of their death, by the oath or affirmation of the two principal surviving officers of the ship or vessel in which the exportation shall be made; and in all cases where there shall be no consul or agent of the United States residing at the said place of delivery, the certificate of the consignee, or other person herein before required, shall be confirmed by the certificate of two reputable American merchants residing at the said place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee, or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; which certificate shall also be supported by the oath or affirmation of the master and mate, or other principal officers of the vessel in manner as before prescribed, which oath or affirmation of the said master and mate, or other principal officers, shall, in all cases, when taken at a foreign port or place, be taken and subscribed before the consul or agent of the United States, residing at such foreign port or place, if any such consul or agent reside thereat.

And another from the Consul of the United States.

Where there is no Consul a different certificate shall be produced.

Course of proceeding where the foregoing forms cannot be complied with.

And in cases of loss by sea, or by capture or other unavoidable accident; or when, from the nature of the trade, the proofs and certificates before required are not, and cannot be procured, the exporter or exporters shall be allowed to adduce to the collector of the port of exportation such other proofs as they may have, and as the nature of the case will admit: which proofs shall, with a statement of all the circumstances attending the transaction, within the knowledge of such collector, be transmitted to the comptroller of the treasury, who shall have power to allow a further reasonable time for obtaining the proofs aforesaid; or if he be satisfied with the truth and validity of the proofs adduced, to direct the bond or bonds of such exporter or exporters, to be cancelled: *Pro-*

vided, that if the amount of such bond shall not exceed the penal sum of two hundred dollars, the collector, with the naval officer, where there is one, and alone, where there is none, may, pursuant to such rules as shall be prescribed by the comptroller of the treasury, admit such proof as may be adduced; and if they deem the same satisfactory, cancel such bond accordingly.

And the form of the certificate of a consignee, declaring the delivery of merchandise at a foreign port, shall be as follows:

I (A. A. or we B. B. and C. C.) of the (city or town) of (merchant, or merchants, and copartners in trade) do hereby certify, that the goods or merchandise herein after described, have been landed in this (city, town or port) between the and days of from on board the of whereof G. G. is at present master, viz. (here insert the particular articles delivered in manner following, as the case may require; namely,

Form of consignee's certificate.

A. B. No. 1. α 10. ten hogsheads } Containing fourteen thousand

C. D. No. 3. G. 9. 15. four tierces } pounds weight of coffee.

E. F. No. 14. 18. 22. 25. } Eight hogsheads, containing ten thousand
27. 30. 33. 36. } pounds weight of brown sugar.

G. H. No. 21. α 30. Ten chests, containing seven hundred weight of hyson tea.

I. K. 7. 16. 19. Three bales, containing one hundred and fifty pieces of nankeen—) which, according to the bills of lading for the same, were shipped on board the at the port of in the United States of America, on or about the day of and consigned to (me or to us) by of aforesaid, merchant (or by the master of the said)

Given under (my or our) hands, at the
(city of) this day of

And the form of the oath or affirmation of the principal officers of a vessel, confirming the landing of merchandise at a foreign port, shall be as follows:

Port of
We G. E. master, and H. H. mate of the of lately arrived from the port of in the United States of America, do solemnly (swear or affirm) that the goods or merchandise enumerated and described in the preceding certificate, dated the day of and signed by A. A. of the city of merchant, were actually delivered at the said port, from on board the said within the time specified in the said certificate.

Form of the confirmatory oath to be taken by the officers of the vessel.

Sworn or affirmed at the city of before me, this day of

And the form of a verification of the delivery of merchandise at a foreign port, to be executed by a consul or agent of the United States, shall be as follows:

I, M. M. (consul or agent) of the United States of America, at the city of do declare, that the facts set forth in the preceding certificate, subscribed by A. A. of the said city, merchant, and dated the day of are, to (my knowledge, just and true, or are in my opinion just and true, and deserving full faith and credit.)

Form of the consular verification thereof.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of my office, at this day of

M. M. Consul.

And the form of a verification of the delivery of merchandise, to be executed by American or foreign merchants, as the case may require, shall be as follows:

We residing in the city of do declare, that the facts stated in the preceding certificate, signed by of the said (city) merchant, on the day of are (to our knowledge, just and true, or are in our opinion, just and

Form of the verification by merchants.

true, and worthy of full faith and credit.) We also declare that there is (no consul or other public agent for the United States of America, or American merchants, as the case may require) now residing at this place.

Dated at the city of
this day of

R. S.
T. L.

Consular fees
therefor.

And it shall be lawful for the consuls or agents of the United States, residing at the foreign ports, to demand twenty-five cents for administering each oath or affirmation aforesaid, and one dollar for granting each certificate as aforesaid; and if any consul or agent shall demand other or greater fees than are allowed as aforesaid, his bond shall be forfeited.

Penalty on re-
landing goods
entered for
drawback, &c.

SEC. 82. *And be it further enacted*, That if any goods, wares or merchandise, entered for exportation, with intent to drawback the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed within any port or place within the limits of the United States as aforesaid, all such goods, wares or merchandise shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods, wares or merchandise shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein shall, on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months; and for discovery of frauds and seizure of goods, wares or merchandise, reloaded contrary to law, the several officers established by this act, shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law.

Powers of the
officers of the
customs, in re-
lation to draw-
backs.

Bounty on the
exportation of
pickled fish and
salted provis-
ions.

SEC. 83. *And be it further enacted*, That on all pickled fish of the fisheries of the United States, exported therefrom, there be allowed and paid a bounty of thirty cents per barrel; and on all provisions salted within the United States (dried fish excepted) there be allowed and paid a bounty of twenty-five cents per barrel, to be paid by the collector of the district from which the same shall be so exported, without any deduction or abatement: *Provided always*, that in order to entitle the exporter or exporters of such pickled fish or salted provisions to the benefit of such bounty or allowance, the said exporter or exporters shall make entry with the collector and naval officer of the district from whence the said pickled fish or salted provisions are intended to be exported, and shall specify in such entry the names of the master and vessel in which, and the place where such provisions or fish are intended to be exported, together with the particular quantity of each, whether pickled fish or salted provisions, and the species thereof; and proof shall be made to the satisfaction of the collector of the district from which such articles are intended to be exported, and of the naval officer thereof, where any, that the same, if fish, are of the fisheries of the United States; if salted provisions, that they were salted within the United States; and no entry shall be received as aforesaid, of any pickled fish or salted provisions, which have not been inspected and marked, pursuant to the inspection laws of the respective states, where inspection laws are in force, in regard to any pickled fish or salted provisions; and the casks containing such fish or provisions, shall be branded with the words "for bounty," with the name of the inspector or packer, the species and quality of the fish contained therein, and the name of the port of exportation; and the collector of such district shall, together with the naval officer, where there is one, grant an order or permit for an inspector to examine the pickled fish or salted provisions, or both, as expressed in such entry, and if they correspond therewith, and the said officer is fully satisfied that they are, if fish, of the fisheries of the United States, or if provisions, salted therein, to lade the same agreeably to such entry on board the ship or

Exporter to
make entry.

Proof to be
made.

The fish and
provisions to be
inspected and
branded.

Inspector to
examine them.

Permit to lade.

vessel therein expressed; which lading shall be performed under the superintendence of the officer examining the same, who shall make returns of the quantity and quality of pickled fish or salted provisions, so laden on board, in virtue of such order or permit, to the officer or officers granting the same. And the said exporter or exporters, when the lading is completed, and after returns thereof have been made as above directed, shall make oath or affirmation, that the pickled fish or salted provisions expressed in such entry, and then actually laden on board the ship or vessel as therein expressed, are truly and bona fide, if pickled fish, of the fisheries of the United States, if salted provisions, salted therein; that they are truly intended to be exported as therein specified, and are not intended to be relanded within the limits of the United States; and shall also give bond in double the amount of the duty, bounty or allowance to be received, with one or more sureties to the satisfaction of the collector of the port or place from which the said pickled fish, or salted provisions, are intended to be exported, conditioned that the same shall be landed and left at some foreign port or place without the limits aforesaid; which bonds shall be cancelled at the same periods, and in like manner as is provided in respect to the bonds given on the exportation of goods, wares or merchandise, entitled to drawback of duties: *Provided always*, that the said bounty or allowance shall not be paid until at least six months after the exportation of such pickled fish, or salted provisions, to be computed from the date of the bond, and until the exporter or exporters thereof shall produce to the collectors with whom such outward entry is made, such certificates, or other satisfactory proof, of the landing of the same as aforesaid, as is heretofore made necessary for cancelling the bonds given on the exportation of goods entitled to drawback as aforesaid: *And provided also*, that the bounty or allowance as aforesaid, shall not be paid unless the same shall amount to ten dollars at least upon each entry.

Exporter to
make oath,

and give bond.

Mode of can-
celling the
bonds.

When the
bounty shall be
paid.

And the form of entry, required to be made as aforesaid, shall be as follows:

Entry of (salted provision or pickled fish, or both, as the case may be) intended to be exported for the benefit of bounty, by (insert the name of the exporter) in the (insert the name and denomination of the vessel) whereof (insert the name of the master) is master, bound for (insert the port of destination.)

Form of entry
of fish and pro-
visions for
bounty.

Marks as branded on the casks.	Number of barrels.	Description or species of fish or provisions.	Quality.

And the oath or affirmation to be taken by the exporter or exporters of pickled fish, or salted provisions, shall be in manner following:

District of

I (insert the name) do solemnly, sincerely, and truly swear (or affirm) to the best of my knowledge and belief, that the (salted provisions or pickled fish, or both, as the case may be) designated in the annexed entry, dated _____ and subscribed with my name, have not been imported from any foreign port or place, but are truly and bona fide (if provisions) salted provisions, cured within the limits of the United States, (or if fish) pickled fish of the fisheries of the United States; that they are now actually laden on board the (insert the denomination and

Form of the
oath.

name of the vessel) whereof (insert the name) is master, and are to be exported to (insert the place of destination) and are not intended to be landed in the limits of the United States. So help me God.

And the form of the bond, to be executed as aforesaid, shall be as follows: to wit,

Form of the
bond.

Know all men by these presents, that we are held and firmly bound unto the United States of America, in the sum of to be paid to the said United States; for the payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals, dated the day of in the year of the independence of the United States, and in the year of our Lord

The condition of this obligation is such, that whereas the above bounden hath entered at the custom-house of the port of

the following merchandise (here insert the number of packages with their contents, together with their marks and numbers) for the purpose of being exported for the benefit of bounty, in the (insert denomination and name of vessel) whereof (insert name) is master, for (insert name of the place) as per entry thereof made and subscribed by the aforesaid on the day of which merchandise has been laden under the superintendence of A. B. an inspector of the customs for the port of as per return thereof annexed to said entry; which merchandise is now actually on board the said now laying in the port of for the purpose of being exported as aforesaid.

Now therefore, if the said merchandise shall not be relanded within the limits of the United States, but shall be duly exported to the or any other port or place, without the limits aforesaid, then this obligation to be void and of no effect, otherwise it shall remain and be in full force and virtue.

Sealed and delivered }
in the presence of }

Forfeiture on
making a false
entry for export-
ation, for bene-
fit of drawback
or bounty.

SEC. 84. *And be it further enacted*, That if any goods, wares or merchandise, of which entry shall have been made in the office of a collector, for the benefit of drawback or bounty upon exportation, shall be entered by a false denomination, or erroneously as to the time when and the vessel in which they were imported, or shall be found to disagree with the packages, quantities or qualities, as they were at the time of original importation, except such disagreement as may have been occasioned by necessary or unavoidable wastage or damage only, and except also in cases where permission shall have been obtained according to law, to alter or change the quantities or packages thereof, all such goods, wares or merchandise, or the value thereof to be recovered of the owner or person making such entry, shall be forfeited. *Provided*, that the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such false denomination, error, or disagreement happened by mistake or accident, and not from any intention to defraud the revenue.

Vessels de-
tained by ice
may unload at
other places
than ports of de-
livery.

SEC. 85. *And be it further enacted*, That in all cases where a ship or vessel shall be prevented by ice from getting to the port or place, at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be obstructed, to receive the report and entry of such ship or vessel, and with the consent of the naval officer (where there is one) to grant a permit or permits for unlading or landing the goods, wares, and merchandise imported in such ship or vessel, at any place within his district, which shall appear to him most convenient and proper: *Provided always*, that the report

and entry of such ship or vessel, and her cargo, or any part thereof, and all persons concerned therein, shall be under and subject to the same rules, regulations, restrictions, penalties and provisions, as if the said ship or vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo.

SEC. 86. *And be it further enacted*, That no officer of the customs, or other person employed under the authority of the United States, in the collection of the duties imposed by law on goods, wares or merchandise imported into the United States, and on the tonnage of ships or vessels, shall own, either in whole or in part, any ship or vessel, or act as agent, attorney, or consignee for the owner or owners of any ship or vessel, or of any cargo or lading on board the same; nor shall any officers of the customs, or other person employed in the collection of the duties as aforesaid, import, or be concerned directly or indirectly in the importation of any goods, wares or merchandise, for sale, into the United States, on penalty that every person so offending, and being thereof convicted, shall forfeit and pay the sum of five hundred dollars.

Officers of the customs not to be concerned in shipping or commerce.

SEC. 87. *And be it further enacted*, That so much of the twelfth section of an act, entitled "An act making alterations in the treasury and war departments," as restricts all officers of the United States, employed in the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, from buying or disposing of the funds or debts of the United States, or of any state, be repealed.

They may buy or dispose of public funds.

Act of May 8, 1792, ch. 37.

SEC. 88. *And be it further enacted*, That if any officer of the customs shall directly or indirectly take or receive any bribe, reward or recompense, for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be convicted thereof, every such officer or other person shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, recompense or reward for any such deception, collusion, or fraud, shall forfeit and pay a sum not less than two hundred dollars, nor more than two thousand dollars, for each offence; and in all cases where an oath or affirmation is by this act required from a master or other person having the command of a ship or vessel, or from an owner or consignee of any goods, wares and merchandise, his, her, or their factor, or agent, and generally whenever an oath or affirmation is required from any person or persons, whatsoever, by virtue of this act, if the person so swearing or affirming shall swear, or affirm falsely, such person shall, on indictment and conviction thereof, be liable to the same pains and penalties prescribed for persons convicted of wilful and corrupt perjury.

Penalty on their receiving a bribe to connive at a false entry, or conniving at such entry.

Penalty on giving or offering such a bribe.

False swearing to be punished as perjury.

SEC. 89. *And be it further enacted*, That all penalties, accruing by any breach of this act, shall be sued for, and recovered with costs of suit, in the name of the United States of America, in any court competent to try the same; and the trial of any fact, which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, or forfeiture incurred, is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is moreover authorized to receive from the court within which such trial is had, or from the proper officer thereof, the sum or sums so recovered, after deducting all proper charges to be allowed by the said court, and on receipt thereof the said collector shall pay and distribute the same without delay, according to law, and transmit quarter yearly to the treasury an account of all monies by him received for fines, penalties and forfeitures, during such quarter. And all ships or vessels, goods, wares or merchandise, which shall become forfeited in virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the pro-

Penalties how to be sued for.

Collectors authorized to receive penalties when recovered.

Manner of proceeding to the condemnation.

of vessels and
goods seized.

per court having cognizance thereof; which court shall cause fourteen days notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and also by posting up the same in the most public manner, for the space of fourteen days, at or near the place of trial; for which advertisement a sum not exceeding ten dollars shall be paid: And proclamation shall be made in such manner as the court shall direct; and if no person shall appear and claim any such ship or vessel, goods, wares or merchandise, and give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law; and upon the prayer of any claimant to the court, that any ship or vessel, goods, wares or merchandise, so seized and prosecuted, or any part thereof, should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares or merchandise, so prayed to be delivered, are appraised, and moreover produce a certificate from the collector of the district wherein such trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares and merchandise, or tonnage duty on the ship or vessel, so claimed, have been paid or secured in like manner, as if the goods, wares or merchandise, ship or vessel had been legally entered, the court shall, by rule, order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court, and if judgment shall pass in favour of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole, or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, judgment shall and may be granted upon the bond on motion in open court, without further delay. And when any prosecution shall be commenced, on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof, and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit or judgment on account of such seizure and prosecution: *Provided*, that the ship or vessel, goods, wares or merchandise, be after judgment forthwith returned to such claimant or claimants, his, her, or their agent or agents: *And provided*, that no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within three years next after the penalty or forfeiture was incurred.

Limitation of
suits under this
act to three
years.

Condemned
ships and goods
to be sold at
public auction.

SEC. 90. *And be it further enacted*, That all ships or vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, and for which bond shall not have been given by the claimant or claimants, agreeably to the provisions for that purpose in the foregoing section, shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auc-

tion, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in cases of perishable goods) in one or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in one or more of the papers published in the nearest place thereto; for which advertising, a sum not exceeding five dollars shall be paid. And the amount of such sales, deducting all proper charges, shall be paid within ten days after such sale by the person selling the same, to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as herein before directed.

SEC. 91. *And be it further enacted*, That all fines, penalties and forfeitures, recovered by virtue of this act (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows: one moiety shall be for the use of the United States, and be paid into the treasury thereof, by the collector receiving the same; the other moiety shall be divided between, and paid in equal proportions to, the collector, and naval officer of the district, and surveyor of the port, wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *Provided nevertheless*, that in all cases where such penalties, fines and forfeitures shall be recovered in pursuance of information given to such collector, by any person other than the naval officer or surveyor of the district, the one half of such moiety shall be given to such informer, and the remainder thereof shall be disposed of between the collector, naval officer, and surveyor, or surveyors, in manner aforesaid: *Provided also*, that where any fines, forfeitures and penalties, incurred by virtue of this act, are recovered in consequence of any information given by any officer of a revenue cutter, they shall, after deducting all proper costs and charges, be disposed of as follows: one fourth part shall be for the use of the United States, and paid into the treasury thereof in manner as before directed; one fourth part for the officers of the customs, to be distributed as herein before set forth; and the remainder thereof to the officers of such cutter, to be divided among them agreeably to their pay: *And provided likewise*, that whenever a seizure, condemnation and sale of goods, wares or merchandise, shall take place within the United States, and the value thereof shall be less than two hundred and fifty dollars, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of prosecution. *And be it further provided*, that if any officer, or other person entitled to a part or share of any of the fines, penalties, or forfeitures, incurred in virtue of this act, shall be necessary as a witness on the trial for such fine, penalty, or forfeiture, such officer or other person may be a witness upon the said trial; but in such case he shall not receive nor be entitled to any part or share of the said fine, penalty or forfeiture, and the part or share to which he otherwise would have been entitled, shall revert to the United States.

Distribution of fines, penalties and forfeitures.

Persons entitled to a share of the fines, &c. may be witnesses, &c.

SEC. 92. *And be it further enacted*, That except into the districts herein before described on the northern, north-western and western boundaries of the United States, adjoining to the dominions of Great Britain, in Upper and Lower Canada, and the districts on the rivers Ohio and Mississippi, no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons burthen, agreeably to the admeasurement hereby directed for ascertaining the

Except in certain districts no goods to be brought into the United States, but by sea and in vessels of at least thirty tons burthen, &c.

Drawback to be allowed only on exportations by sea and in vessels of thirty tons and upwards.

Masters of vessels bound to foreign ports to exhibit manifests, and obtain clearances.

Penalty in default thereof.

tonnage of ships or vessels; nor shall be landed or unladen at any other port than is directed by this act, under the penalty of seizure and forfeiture of all such ships or vessels, and of the goods, wares or merchandise imported therein, landed or unladen in any other manner. And no drawback of any duties on goods, wares or merchandise of foreign growth or manufacture, shall be allowed on the exportation thereof from any district of the United States, otherwise than by the sea, and in vessels not less than thirty tons burthen.

SEC. 93. *And be it further enacted*, That the master, or person having the charge or command of any ship or vessel, bound to a foreign port or place, shall deliver to the collector of the district from which such ship or vessel shall be about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear, or affirm to the truth thereof; whereupon the said collector shall grant a clearance for such ship or vessel and her cargo, but without specifying the particulars thereof in such clearance, unless required by the said master, or other person having the charge or command of such ship, or vessel, so to do. And if any ship or vessel, bound to a foreign port or place, shall depart on her voyage to such foreign port or place, without delivering such manifest, and obtaining a clearance as hereby required, the said master, or other person having the charge or command of such ship or vessel, shall forfeit and pay the sum of five hundred dollars, for every such offence:

And the form of the report and manifest, to be delivered as aforesaid, shall be as follows:

Form of the manifest. Report and manifest of the cargo, laden at the port of on board the master, bound for port

Marks.	Numbers.	Packages or articles in bulk.	Contents or quantities.	Value at the port of exportation.

And the oath or affirmation, to be taken by the master or commander of the ship or vessel as aforesaid, shall be as follows:

District of

Oath to be taken on clearing.

I (insert the name) master or commander of the (insert the denomination and name of the vessel) bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place, bound to) do solemnly, sincerely and truly swear (or affirm as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel) now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just and true account of all the goods, wares and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just and true report

thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

And the form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

Form of clearance.

District of ss.

Port of

These are to certify all whom it doth concern, that master
or commander of the burthen tons, or thereabouts,
mounted with guns, navigated with men
built, and bound for having on board

hath here entered and cleared his said vessel according to law.

Given under our hands and seals, at the custom-house of
this day of one thousand and in the
year of the independence of the United States of America.

Provided, any thing to the contrary notwithstanding, that the collectors and other officers of the customs shall, and they are hereby directed to pay due regard to the inspection laws of the states in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective states do or may require to be produced to collectors or other officers of the customs. *And provided*, that receipts for the payment of all legal fees which shall have accrued on any ship or vessel shall, before any clearance is granted, be produced to the collector or other officer aforesaid.

Vessels not to be cleared until the inspection laws of the states are complied with, and all legal fees paid.

SEC. 94. *And be it further enacted*, That the importer or importers of any horses, cattle, sheep, swine, or other useful beasts, imported into the United States for the purpose of breed, shall make entry for such horses, cattle, sheep, swine, or other useful beasts, as in the case of other goods, wares or merchandise, and obtain a permit for landing the same, and shall likewise make oath or affirmation, that they are actually imported for the purpose above mentioned; and any horses, cattle, sheep, swine, or other beasts, landed without the provisions above mentioned being fully complied with, shall be subject to seizure and forfeiture.

Beasts imported for breed to be entered, &c.

SEC. 95. *And be it further enacted*, That all matters directed by this act to be done to, or by the collector of a district, or by the naval officer thereof, shall and may be done to, and by the person, who in the cases specified in this act, is or may be authorized to act in the place or stead of the said collector, or of the said naval officer.

Substitutes may act in certain cases.

SEC. 96. *And be it further enacted*, That whenever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm.

Affirmation may be made instead of oath.

SEC. 97. *And be it further enacted*, That the President of the United States be empowered, for the better securing the collection of the duties imposed on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, to cause to be built and equipped so many revenue cutters not exceeding ten, as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of the product of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels.

Revenue cutters to be provided.

SEC. 98. *And be it further enacted*, That there shall be to each of the said revenue cutters, one captain or master, and not more than three lieutenants or mates, first, second, and third, and not more than seventy men, including non-commissioned officers, gunners and mariners. And the Secretary of the Treasury is hereby authorized to cause contracts to be made for the supply of rations for the officers and men of the said revenue cutters: *Provided*, that the said revenue cutters shall, whenever

Officers and men for the revenue cutters, &c.

Cutters shall co-operate with the navy.

How their officers are to be appointed.

To whose direction they shall be subject, and their duties.

New cutters to be provided in lieu of those unfit for service and the old ones to be sold.

Revenue boats may be provided.

Cutters and boats to be distinguished by an ensign and pendant.

the President of the United States shall so direct, co-operate with the navy of the United States, during which time, they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the agents of the Navy Department.

SEC. 99. *And be it further enacted*, That the officers of the said revenue cutters shall be appointed by the President of the United States, and shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose; they shall have power and authority, and are hereby required and directed to go on board all ships or vessels, which shall arrive within the United States, or within four leagues of the coast thereof, if bound for the United States, and to search and examine the same, and every part thereof, and to demand, receive, and certify the manifests herein before required to be on board certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the hold of any ship or vessel, and to remain on board the said ships and vessels, until they arrive at the port or place of their destination. It shall likewise be the duty of the master or other person having at any time the command of any of the said revenue cutters, to make a weekly return to the collector, or other officer of the district under whose direction they are placed, of the transactions of the cutter under their command, specifying therein, the vessels that have been boarded, their names and descriptions, the names of the masters, and from what port or place they last sailed, whether laden or in ballast, whether ships or vessels of the United States, or to what other nation belonging, and whether they have the necessary manifest or manifests of their cargoes on board, and generally all such matters as it may be necessary for the collectors or other officers of the customs to be made acquainted with; and the officers of the said cutters shall likewise execute and perform such other duties for the collection and security of the revenue, as from time to time shall be enjoined and directed by the Secretary of the Treasury, not contrary to law, and the provisions herein before contained.

SEC. 100. *And be it further enacted*, That the President be, and he is hereby authorized to cause other revenue cutters to be built or purchased, in lieu of such as are or shall from time to time become unfit for further service; and to cause such as are so become unfit for further service, to be sold at public auction, and the proceeds of such sales to be paid into the treasury of the United States. And the expense of purchasing other cutters as aforesaid, as well as all future expenses of building, purchasing or repairing revenue cutters, shall be paid out of the product of the duties on goods, wares or merchandise imported into the United States, and on the tonnage of ships or vessels.

SEC. 101. *And be it further enacted*, That the collectors of the respective districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and sail boats, in each district, together with the number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships or vessels and otherwise, for the better detection of frauds; the expense of which shall be defrayed out of the product of the duties.

SEC. 102. *And be it further enacted*, That the cutters and boats employed in the service of the revenue, shall be distinguished from other vessels, by an ensign and pendant, with such marks thereon as shall be prescribed and directed by the President of the United States; and in case any ship or vessel liable to seizure or examination shall not bring to, on being required, or being chased by any cutter or boat having displayed the pendant and ensign prescribed for vessels in the revenue service, it shall be lawful for the captain, master or other

person having command of such cutter or boat, to fire at or into such vessel which shall not bring to, after such pendant and ensign shall be hoisted, and a gun shall have been fired by such cutter or boat as a signal; and such captain, master or other person as aforesaid, and all persons acting by or under his direction, shall be indemnified from any penalties, or actions for damages for so doing; and if any person shall be killed or wounded by such firing, and the captain, master, or other person aforesaid, shall be prosecuted or arrested therefor, such captain, master or other person shall be forthwith admitted to bail. And if any ship, vessel or boat, not employed in the service of the revenue, shall, within the jurisdiction of the United States, carry or hoist any pendant or ensign prescribed for vessels in the service aforesaid, the master, or commander of the ship or vessel so offending shall forfeit and pay one hundred dollars.

They may fire at vessels refusing to bring to.

Penalty on other vessels or boats carrying the revenue ensign and pendant.

SEC. 103. *And be it further enacted*, That no beer, ale, or porter shall be brought into the United States by sea from any foreign port, or place, except in casks, or vessels, the capacity whereof shall not be less than forty gallons beer measure, or in packages containing not less than six dozen bottles, on pain of forfeiture of the said beer, ale, or porter, and the ship or vessel in which the same shall be brought; nor shall any refined lump or loaf sugar be imported into the United States, from any foreign port or place by sea, except in ships or vessels of one hundred and twenty tons burthen and upwards, and in casks or packages containing each not less than six hundred pounds weight; nor shall any distilled spirits (arrack and sweet cordials excepted) be imported, or brought into the United States, except in casks or vessels of the capacity of ninety gallons wine measure and upwards, nor in casks or vessels which have been marked pursuant to any law of the United States, on pain of forfeiture of the said refined lump and loaf sugar, and distilled spirits, imported contrary to the provisions herein described, together with the ship, or vessel, in which they shall be so imported: *Provided*, that nothing contained in this act shall be construed to forfeit any spirits for being imported, or brought into the United States, in other casks or vessels as aforesaid, or the ship or vessel in which they shall be brought, if such spirits shall be for the use of the seamen, on board such ship or vessel, and shall not exceed the quantity of four gallons for each seaman.

Vessels and packages in which alone certain articles are to be imported.

Saving of spirits for the use of the seamen.

SEC. 104. *And be it further enacted*, That for the purpose of conforming this act to certain stipulations contained in treaties made and ratified under the authority of the United States, it is hereby declared, that it shall at all times be free to British subjects, and also to the Indians dwelling on either side of the boundary line of the United States, as settled by the treaty of peace, freely to pass and repass, by land or inland navigation, into and from the territories of the United States, and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with the citizens of the United States: *Provided*, that nothing herein contained shall be construed to justify the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea; and all goods and merchandise, the importation of which into the United States shall not be wholly prohibited, shall and may freely, for the purposes of commerce, be brought into the same, in manner aforesaid, by British subjects, from the territories of the king of Great Britain, in America; and such goods and merchandise shall be subject to no higher or other duties, than are or shall be payable by the citizens of the United States, on the importation of the same in American vessels into the Atlantic ports of the United States: And all goods not prohibited to be exported from the United States, may, in manner aforesaid, be carried out of the United States into the territories aforesaid.

Privileges of British subjects and Indians in conformity with treaties.

No duties on
peltries or
goods of In-
dians.

Further privi-
leges of British
subjects.

In the north-
ern, and north-
western dis-
tricts, &c. im-
portations may
be made in ves-
sels, &c. of any
kind whatever.
Provisions of
this act extend-
ed to those dis-
tricts.

Entry to be
made of goods
to be carried
over portages.

Which entry
shall be verified
on oath.

Form of the
oath.

SEC. 105. *And be it further enacted*, That no duty shall be levied or collected on the importation of peltries brought into the territories of the United States, nor on the proper goods and effects of whatever nature, of Indians passing, or repassing the boundary line aforesaid, unless the same be goods in bales or other large packages unusual among Indians, which shall not be considered as goods belonging bona fide to Indians, nor be entitled to the exemption from duty aforesaid. And no higher or other tolls or rates of ferriage, than what are or shall be payable by citizens of the United States, shall be demanded of British subjects, and no duties shall be payable on any goods, which shall merely be carried over any of the portages or carrying places within the territories of the United States, for the purpose of being immediately re-embarked, and carried to some other place or places: *Provided*, that this last mentioned exemption from duty shall extend only to such goods as are carried in the usual and direct road across such portages and carrying places, and are not attempted to be in any manner sold or exchanged during their passage across the same. And it shall be lawful for citizens of the United States, and for all other persons, to import any goods or merchandise, of which the importation shall not be entirely prohibited, into the districts, which are or may be established on the northern and north-western boundaries of the United States, and on the rivers Ohio and Mississippi, in vessels or boats of any burthen, and in rafts or carriages of any kind or nature whatsoever.

SEC. 106. *And be it further enacted*, That all vessels, boats, rafts, and carriages, of what kind and nature soever, arriving in the districts aforesaid, containing goods, wares or merchandise, subject to duties on being imported into any port of the United States, shall be reported to the collector, or other chief officer of the customs at the port of entry, in the district into which they shall be so imported; and such goods shall be accompanied with like manifests, and like entries shall be made, by the persons having charge of any vessels, boats, rafts and carriages aforesaid, and by the owners or consignees of the goods, wares and merchandise, laden on board the same; and the powers and duties of the officers of the customs shall be exercised and discharged in the districts last mentioned, in like manner as is herein before directed and prescribed, in respect to goods, wares and merchandise imported into the United States, in vessels from the sea—and generally, all importations as aforesaid shall be subject to like regulations, penalties and forfeitures as in other districts, except as is herein after specially provided.

SEC. 107. *And be it further enacted*, That when any goods, wares, or merchandise subject to duties, shall be imported into any of the districts before mentioned, and which shall be reported as being destined to be carried over any of the portages or carrying places within the territories of the United States, for the purposes of being immediately re-embarked, and carried to some other port or place, it shall be the duty of the owner or consignee of the goods, wares, or merchandise intended to be transported as aforesaid, to make entry thereof, as particularly as is herein before directed and prescribed, in respect to the like goods, wares and merchandise, when entered for the payment of duties, and moreover specifying in such entry the route, portage and carrying place, by and over which it is intended to transport the same; which entry shall be verified on oath or affirmation in manner following:

District of

Port of

I (here insert the name of the person making the entry) do solemnly, sincerely and truly swear, (or affirm) that the entry now subscribed with my name, and delivered by me to the collector of (insert the name of the district) contains a just and true account of all the goods, wares and merchandise, contained in the several packages therein mentioned;

that they are brought into this district, solely for the purpose of being carried and transported by the way of (here insert the portage or carrying place) with intention of being immediately re-embarked and carried without the limits of the United States; and are not intended, directly, or indirectly, to be sold, exchanged, or consumed, within the limits of the United States; and, I do further swear, (or affirm) that if I shall hereafter know, or discover, that the whole, or any part of the said goods, wares or merchandise, shall have been sold, alienated, exchanged, or consumed, within the limits of the United States, I will immediately report the same, with the circumstances thereof, truly to the collector of this district. So help me God.

SEC. 108. *And be it further enacted*, That the collector, who shall receive any entry as aforesaid, shall cause due examination, inspection and search to be made, in like manner as is herein before prescribed, in respect to importations made in vessels arriving by the sea, or intended to be exported from the United States, and, being satisfied therewith, shall thereupon grant a certificate or protection for the said goods, wares or merchandise which shall accompany the same, and which certificate or protection shall be of the form following, to wit:

District of ss.

Port of

It is hereby certified, that (here insert the name of the person making entry) has made entry in this office, according to law, of the following merchandise (here insert the particulars of the packages and merchandise, and the several marks, numbers and contents thereof as in the entry) and has made oath, that the said merchandise are intended to be transported by the route of (here insert the portage or carrying place) to (here insert the proposed place of re-embarkation) for the purpose of being transported without the limits of the United States. Now therefore, this certificate is to serve as a protection for the said merchandise, during the transportation thereof by the route aforesaid: *Provided*, that the said merchandise, or any part thereof, are not and shall not be unpacked, alienated, sold or consumed within the limits of the United States, or be transported by any other route than is above specified, in either of which cases the said merchandise may be seized and forfeited, this certificate and protection notwithstanding.

As witness my hand and seal the day and year above mentioned.

A. B. Collector.

And no certificate as aforesaid shall be in force for any term exceeding six months from the date thereof.

SEC. 109. *And be it further enacted*, That if any person having the charge, or being concerned in the transportation of any goods, wares or merchandise, entered as aforesaid, for the purpose of being transported across any of the portages or carrying places within the limits of the United States, and to be delivered without the limits thereof, shall, with intent to defraud the revenue, break open or unpack any part of the said merchandise, or shall sell, exchange or consume the same, or with like intent shall break or deface any seal or fastening, placed thereon by any officer of the revenue, or if any person whatever shall deface, alter or forge any certificate, granted for the protection of merchandise transported as aforesaid, each and every person so offending, shall forfeit and pay five hundred dollars, and shall be imprisoned not less than one nor more than six months, at the discretion of the court before which such person shall be convicted.

SEC. 110. *And be it further enacted*, That nothing contained in this act shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths or affirmations required by any laws of the United States, not immediately relating to the collection of

Collector to make examination, and thereupon grant a protection for the goods.

Form of the protection.

Penalty on fraudulently opening the merchandise, selling it, &c.

This act not to exempt from certain oaths.

the duties on the importation of goods, wares and merchandise into the United States.

No forfeiture to be incurred where the forms of documents are substantially complied with:—

They may be varied by additions.

Repeal of the former acts.

1790, ch. 35.

SEC. 111. *And be it further enacted*, That in cases where the forms of official documents, as prescribed by this act, shall be substantially complied with and observed, according to the true spirit, meaning and intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom; and the officers of the department of the treasury, according to their respective powers and duties, shall and may from time to time prescribe additions to the said forms, for the purpose of adapting the same to any alterations which may be made to the rates of duties on the importation of goods, wares and merchandise, and on the tonnage of ships and vessels, and for the better collection and payment of the said duties:—*Provided however*, that it shall not be competent for the said officers to prescribe any form or regulations incompatible with or contravening the special provisions of this act.

SEC. 112. *And be it further enacted*, That from and after the thirtieth day of June next ensuing, the act of Congress passed on the fourth day of August in the year one thousand seven hundred and ninety, entitled “An act to provide more effectually for the collection of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels,” and also all other acts or parts of acts, coming within the purview of this act, shall be repealed and thenceforth cease to operate, except as to the continuance of the officers appointed in pursuance of the said act or parts of acts; except also as to the recovery and receipt of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued; and as to the payment of drawbacks, bounties and allowances upon the exportation of goods, wares and merchandise, and as to the recovery and distribution of fines, penalties and forfeitures, which shall have been incurred before and on the said day; subject nevertheless, in respect to the collection of duties, to the alterations contained and expressed in the present act.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

CHAP. XXIII.—*An Act to establish the compensations of the officers employed in the collection of the duties on imports and tonnage, and for other purposes.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That

(a) The acts which have been passed relating to the compensation of officers of the customs, which are obsolete, have been: An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels, August 4, 1790, chap. 35, sec. 52, 53, 54; an act making further provisions relative to the revenue cutters, May 6, 1796, chap. 22, sec. 1, 2; an act in addition to an act entitled, “An act supplementary to the act entitled, ‘An act to provide more effectually for the collection of duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels,’” May 27, 1796, chap. 35, sec. 3; an act relative to the compensation and duties of certain officers employed in the collection of imposts and tonnage, March 3, 1797, chap. 9; an act establishing an annual salary for the surveyor of Gloucester, July 14, 1798, chap. 73; an act to increase the compensation allowed by law to inspectors, measurers, weighers, and gaugers, employed in the collection of the customs, April 26, 1816, chap. 95; an act respecting the compensation of the collectors therein mentioned, March 3, 1817, chap. 49; an act further to establish the compensation of officers of the customs, and to alter certain collection districts, and for other purposes, May 7, 1822, chap. 107, sec. 6, 7, 8, 9, 10, 12, 13, 15, 16, 18, 19.

The acts providing for the compensation to collectors and other officers of the customs in force, are: An act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage, and for other purposes, March 2, 1799, chap. 23; an act supplementary to an act entitled, “An act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage, and for other purposes,” May 10, 1800; an act providing for the accommodation of persons concerned in certain fisheries therein mentioned, March 16, 1802, chap. 11, sec. 3; an act to amend “an act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage, and for other purposes,” April 30, 1802, chap. 37; an act relative to the compensation of cer-

every collector, naval officer and surveyor, employed in the collection of the duties on imports and tonnage, shall, within three months after he enters upon the execution of his office, give bond, with one or more sufficient sureties, to be approved of by the comptroller of the treasury of the United States, and payable to the said United States, with condition for the true and faithful discharge of the duties of his office according to law, that is to say:—the collector of Philadelphia and New York, in the sum of sixty thousand dollars, each; the collector of Boston and Charlestown, forty thousand dollars; the collectors of Baltimore and Charleston, thirty thousand dollars, each; the collector of Norfolk and Portsmouth, fifteen thousand dollars; the collectors of Portsmouth, in New Hampshire, of Salem and Beverly, Wilmington (in the state of Delaware) Annapolis, Georgetown (in Maryland), Bermuda Hundred and City Point, Alexandria, Wilmington, Newbern and Edenton, in the state of North Carolina, Newport and Providence, in the state of Rhode Island and Providence Plantations, ten thousand dollars, each; the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Yorktown, Dumfries, Washington, Camden, Georgetown (South Carolina), Beaufort and Savannah, five thousand dollars, each; the collectors of Hudson, Middletown and Waldoborough, four thousand dollars, each; and all the other collectors in the sum of two thousand dollars each; the naval officers of the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, Charleston, ten thousand dollars, each; and all other naval officers, in the sum of two thousand dollars, each; the surveyors of the ports of Boston and Charlestown, New York, Philadelphia, Baltimore and Charleston, five thousand dollars, each; and all the other surveyors, in the sum of one thousand dollars, each:—Which bonds shall be filed in the office of the said comptroller, and be, by him, severally, put in suit for the benefit of the United States, upon any breach of the condition thereof.

Collectors, naval officers and surveyors to give bond.

And all bonds to be hereafter given, shall be of the form following; to wit:

Know all men by these presents, that we are held and firmly bound unto the United States of America, in the full and just sum of dollars, money of the United States; to which payment, well and truly to be made, we bind ourselves, jointly and severally, our joint and several heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this day of one thousand

Form of the bond.

The condition of the foregoing obligation is such, that, whereas the President of the United States hath, pursuant to law, appointed the said to the office of in the state of

Now therefore if the said has truly and faithfully executed and discharged, and shall continue truly and faithfully to execute and discharge all the duties of the said office, according to law; then the

tain officers of the customs, and to provide for the appointing a surveyor in the districts therein mentioned, March 27, 1804, chap. 58; an act to annex a part of the state of New Jersey to the collection district of New York, &c., March 2, 1811, chap. 33, sec. 1, 9; an act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of surveyor of the district of Pensacola, May 26, 1824; an act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes, March 2, 1831, chap. 54, sec. 4; an act to amend an act entitled, "An act to annex part of the state of New Jersey to the collection district of New York, &c.," June 30, 1834, chap. 28; an act making appropriations for the civil and diplomatic expenses of the government for the year one thousand eight hundred and thirty-five, March 3, 1835, chap. 28, sec. 3; an act in addition to an act entitled, "An act making appropriations in part for the support of government for the year one thousand eight hundred and thirty-six," and for other purposes, July 4, 1836, chap. 353, sec. 3; an act making appropriations for the civil and diplomatic expenses of the government for the year one thousand eight hundred and thirty-seven, March 3, 1837, chap. 31, sec. 2; an act to secure the payment of certain commissions on duty bonds, to collectors of the customs, June 12, 1838, chap. 98.

above obligation to be void and of none effect, otherwise it shall abide and remain in full force and virtue.

Sealed and delivered }
in the presence of }

Provided, that in cases where bonds have been already given, according to the directions aforesaid, new bonds shall not be required.

Fees of the
collectors, na-
val officers and
surveyors.

SEC. 2. *And be it further enacted*, That from and after the last day of March next, and in lieu of the fees and emoluments heretofore established, there shall be allowed and paid for the use of the collectors, naval officers and surveyors, appointed and to be appointed in pursuance of law, the fees following; that is to say; to each collector for every entrance of any ship or vessel of one hundred tons burthen and upwards, two dollars and an half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and an half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and an half; for every clearance of any ship or vessel under one hundred tons burthen, one dollar and an half; for every post entry two dollars; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; for every permit to load goods for exportation, which are entitled to drawback, thirty cents; for every debenture or other official certificate, twenty cents; for every bill of health, twenty cents; for every official document, (registers excepted) required by any merchant, owner or master of any ship or vessel not before enumerated, twenty cents; and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, the latter paying one third of the expense of the necessary stationery, and of the rent of an office to be provided by the collector, at the place assigned for his residence, and as conveniently as may be for the trade of the district,—except the expense of fuel, office rent and necessary stationery for the collectors of the districts of Salem and Beverly, Boston and Charlestown, the cities of New York, Philadelphia and Charleston, the towns of Baltimore, Norfolk and Portsmouth, which shall be paid three fourths by the said collectors, and the other fourth by the respective naval officers in those districts; and all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his proportion or share thereof: *Provided*, that all fees arising on the exportation of any goods, wares or merchandise on which drawbacks are allowed, shall be equally shared among the collector, naval officer and surveyor, where there are such officers at the port where the fees are paid, to be accounted for monthly, by the collector or naval officer who shall receive the same; and where there is no naval officer, such fees shall be divided equally between the collector and the surveyor, who may have been concerned in attending to such exportation, and the surveyors shall pay their proportion of the expenses of stationery and printing. To each surveyor, for the admeasurement and certifying the same, of every ship or vessel of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel above one hundred tons and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel above two hundred tons, two hundred cents; for all other services by this act to be performed by such surveyor, on board any ship or vessel of one hundred tons or upwards, having on board goods, wares or merchandise subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred tons burthen, having on board goods, wares or merchandise subject to duty, one and an half dollar; on all vessels not having on board goods, wares or merchandise subject to duty, two thirds of a dollar. All which fees shall be paid by the master or owner of the ship or vessel in which the said services shall be performed, to the surveyor by

whom they shall be performed, if performed by one only, for his sole benefit,—but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the said services shall also be performed. To each inspector there shall be allowed, for every day he shall be actually employed in aid of the customs, a sum not exceeding two dollars; and for every other person that the collector may find it necessary and expedient to employ, as occasional inspectors, or in any other way in aid of the revenue, a like sum, whilst actually so employed, not exceeding two dollars for every day so employed, to be paid by the collector out of the revenue, and charged to the United States: *Provided*, that the services performed by occasional inspectors, shall be particularly detailed in the accounts to be transmitted to the treasury, and certified as to the necessity as well as performance of such services, by the naval officer or surveyor of the district, if any such officers there are: to the measurers, weighers or gaugers, respectively, to be paid monthly by the collector out of the revenue, and charged to the United States, for the measurement of every one hundred bushels of grain, thirty cents; for the measurement of every one hundred bushels of salt, according to the weight established by law for the payment of duties thereon, fifty cents; for the measurement of every one hundred bushels of coal, sixty cents; for the weighing of every one hundred and twelve pounds, and marking every cask, box or package, weighing more than two hundred pounds each, except sugar, coffee, pepper, pimento and indigo, in bales, bags, mats, canisters or seroons, with the weight in durable characters, in the districts of Pennsylvania, New York, Boston and Charlestown, and Baltimore, one cent and a quarter; in the district of Norfolk, one cent and a half; and in the other districts, two cents; for the gauging and marking every cask, to be marked in durable characters, with his own name, and the quantity, eight cents; for computing the contents of and marking cases containing distilled spirits and wines, three cents per case; for actually counting the number of bottles of cider, beer, ale, perry or porter contained in any cask, or other package or packages, one cent per dozen; and in proportion for any greater or lesser quantity; and the allowances aforesaid shall be deemed to include a compensation for making returns of the goods or merchandise weighed, gauged and measured, specifying the quality as well as quantity; and there shall be allowed to the surveyors or inspectors of the revenue for ports, the sum of one cent and one half for every certificate to accompany foreign distilled spirits, and two cents and one half for every certificate to accompany wines and teas, issued within their ports respectively; and to the deputies of the inspectors aforesaid, the sum of two cents and one half for every cask, or package, of foreign distilled spirits, wines or teas, by them marked and returned to their respective principals, and for gauging wines, whereon the duties are payable according to the value thereof six cents for every cask actually gauged. There shall moreover be allowed to the several officers hereafter mentioned, the following allowances and per centage: To the collectors of the district of New York, one quarter per cent.; to the collector of the district of Boston and Charlestown, and to the collector of the districts of Baltimore and Philadelphia one half per cent.; to the collectors of the district of Charleston, Salem and Norfolk, seven eighths of one per cent.; to the collectors of the districts of Alexandria and Savannah, one per cent.; to the collectors of the district of Newburyport, one and one quarter per cent.; to the collectors of the districts of Portsmouth, Portland, Newport, Providence, and New Haven, one and one half per cent.; to the collectors of the districts of Georgetown, (in Maryland) and Marblehead, two and one half per cent.; to the collectors of the districts of New London, Biddeford, Bath, and Wiscasset, two

Compensation
to inspectors.

Compensation
to the measur-
ers, weighers,
and gaugers.

Fees to the
surveyors or in-
spectors of the
revenue for
ports.

Additional
compensation
to certain col-
lectors and sur-
veyors.

per cent. ; and to the collectors of all other districts, three per cent. ; on all monies by them respectively received, on account of the duties arising on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels. And in addition to the allowances above mentioned, there shall be allowed and paid annually, the sums following, to wit :—To the collectors of St. Mary's, Passamaquoddy, Vermont, Champlain, and to the collectors of the several districts comprising the northern and western boundaries of the United States, and the river Ohio, two hundred and fifty dollars each ; to the surveyors in the several districts comprising the northern and western boundaries of the United States, and the river Ohio, two hundred dollars each ; to the surveyor of Shell Castle or Beacon Island, one thousand dollars : To each of the collectors of the districts of Wilmington, in Delaware, Annapolis, Havre-de-Grace, Chester, in Maryland, Gloucester, South Quay, Yeocomico, Tappahannock, Newbern, Edenton, Camden, Wilmington (North Carolina) Nanjemoy, Ipswich, York, Washington and Bermuda Hundred, the sum of two hundred and fifty dollars ; to each of the collectors of the districts of Oxford, Vienna, Sagg Harbor, Nottingham, Hampton, Yorktown, Dumfries, Foley Landing, Cherrystone, Beaufort, Brunswick and Hardwich, the sum of two hundred dollars ; to each of the collectors of the districts of Perth Amboy, Portsmouth, Hudson, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, Penobscot, Frenchman's Bay, Machias (Newport) Middletown, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Little Egg Harbor, Snowhill, Georgetown (in South Carolina), Sunbury, Marblehead, New Haven and Georgetown (in Maryland), the sum of one hundred and fifty dollars ; to each of the collectors of Biddeford, Bath and Wiscasset, one hundred dollars ; to the naval officer of the district of Portsmouth, two hundred dollars ; to each of the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington (in North Carolina), and Savannah, the sum of one hundred and fifty dollars ; to each of the surveyors of Salem, Portsmouth, Newburyport, Gloucester, Bristol, Warren, East Greenwich, North Kingston, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburgh, Wilmington, Beaufort and Swansborough, the sum of two hundred and fifty dollars ; to each of the surveyors of Newport, Providence, Thomastown, Beverly, New Haven, Middletown, Hartford, Saybrook, Albany, Hudson, Lewellensburgh, Portland, Pawkatuck, Patuxet, New London, Stonington, Town creek, Bermuda Hundred, West Point, Urbanna, Port Royal, Alexandria, Windsor, Hartford, Plymouth, Skewarky, Murfreesborough, Bennet's creek, Winton, Nixonton, Newbiggen creek, Pasquotank river, Indiantown, Currituck inlet, Savannah, and New Brunswick (in New Jersey), the sum of one hundred and fifty dollars ; to each of the surveyors of such ports of delivery as may be hereafter established by the President of the United States, and for whom other annual compensations are not hereby provided, a sum not exceeding two hundred and fifty dollars. And it shall be the duty of the respective collectors, naval officers and surveyors, to keep accurate accounts of all fees and official emoluments received by them, also, of all expenditures, particularizing their expenditures for rent, fuel, stationery and clerk hire, and to transmit annually, within forty days after the last day of December, an account, as aforesaid, verified on oath or affirmation, to the comptroller of the treasury, who shall, annually, lay an abstract of the same before Congress ; and if any collector, naval officer, or surveyor, shall omit or neglect to keep an account, as aforesaid, or to transmit the same, verified as aforesaid, he shall forfeit and pay a sum not exceeding five hundred dollars, for the use of the United States.

To certain naval officers and surveyors.

Collectors, &c. to keep accounts of their emoluments and expenditures, and transmit them to the Comptroller.

Compensation and subsistence

SEC. 3. *And be it further enacted*, That the compensations of the commissioned officers of the revenue cutters, shall be as follows, to wit :

To a captain, or master, fifty dollars per month and the subsistence of a captain in the army of the United States; to a first lieutenant or mate, thirty-five dollars per month: to a second lieutenant or mate, thirty dollars per month; to a third lieutenant or mate, twenty-five dollars per month, and to every lieutenant or mate, the subsistence of a lieutenant in the army of the United States; and the pay of the non-commissioned officers, gunners and mariners employed in the said cutters, shall from time to time be established and varied by the President of the United States, not exceeding twenty dollars per month, with such rations as are or shall be allowed in the naval service of the United States.

of the officers of
revenue cutters.

Pay and ra-
tions of the
crew.

SEC. 4. *And be it further enacted*, That whenever a collector shall die or resign, the commissions to which he would have been entitled, on the receipt of all duties bonded by him, shall be equally divided between the collector resigning, or the legal representative of such deceased collector, and his successor in office, whose duty it shall be to collect the same, and for this purpose all the public or official books, papers and accounts of the collector resigning or deceased, shall be delivered over to such successor.

If a collector
die or resign,
how certain fees
are to be dis-
tributed.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXIV.—*An Act for the Government of the Navy of the United States.*(a)

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following rules and regulations be adopted and put in force, for the government of the navy of the United States.

Repealed 1800,
ch. 33, sec. 11.

ARTICLE I. The commanders of all ships and vessels, belonging to the United States, are strictly required to show in themselves a good example of honour and virtue to their officers and men, and to be very vigilant in inspecting the behaviour of all such as are under them, and to discountenance and suppress all dissolute, immoral, and disorderly practices, and also such as are contrary to the rules of discipline and obedience, and to correct those who are guilty of the same, according to the usage of the sea service.

Duty of com-
manders.

2. The commanders of the ships of the United States, having on board chaplains, are to take care, that divine service be performed twice a day, and a sermon preached on Sundays, unless bad weather, or other extraordinary accidents prevent.

Divine service.

3. Any person who shall be guilty of profane swearing, or of drunkenness, if a seaman or marine, shall be put in irons until sober, and then flogged if the captain shall think proper—but if an officer, he shall forfeit two days pay, or incur such punishment as a court martial shall impose, and as the nature and degree of the offence shall deserve.

Swearing and
drunkenness.

4. No commander, for any one offence, shall inflict any punishment upon a seaman or marine beyond twelve lashes upon his bare back with a cat of nine tails, and no other cat shall be made use of on board any ship of war, or other vessel belonging to the United States—if the fault shall deserve a greater punishment, he is to apply to the Secretary of the Navy, the commander in chief of the navy, or the commander of a squadron, in order to the trying of him by a court martial; and in the mean time he may put him under confinement.

Commanders
not to inflict a
greater punish-
ment than
twelve lashes :—

5. The commander is never by his own authority to discharge a commission or warrant officer, nor to punish or strike him, but he may suspend or confine him, and shall report the case to the Secretary of the

Nor to dis-
charge commis-
sion or warrant
officers, &c.

(a) The acts of Congress establishing rules and regulations for the government of the navy of the United States, have been: An act for the government of the navy of the United States, March 2, 1799, chap. 24 (obsolete); an act for the better government of the navy of the United States, April 23, 1800, chap. 33; an act authorizing a revision and extension of the rules and regulations of the naval service, May 19, 1832, chap. 80.

Officer occasionally commanding not to order punishment.

Articles of war to be hung up and read.

Seamen to be entered on the ship's books.

Return of officers and men to be made, &c.

Men to be furnished with slops.

Who are petty officers.

Petty officers and seamen turned over into another ship, not to be rated lower, &c.

Wages and prize money may be paid to assignees.

In case of death, the name to be entered on the books.

Treatment of sick and hurt men.

Fishing.

In case of exigence, allow-

Navy, or commandant of a squadron, as soon as he arrives in port, if at sea, or if in port in ten days, in order that a court martial may decide on the offence.

6. The officer who commands by accident in the captain or commander's absence (unless he be absent for a time by leave) shall not order any correction but confinement, and upon the captain's return on board, he shall then give an account of his reasons for so doing.

7. The captain is to cause the articles of war to be hung up in some public place of the ship, and read to the ship's company once a month.

8. Whenever a captain shall enter or enlist a seaman, he shall take care to enter on his books, the time and terms of his entering, in order to his being justly paid.

9. The captain shall, before he sails, make return to the Secretary of the Navy a complete list of all his officers and men, with the time and terms of their entering, and during his cruise or station, shall keep a true account of the desertion or death of any of them, and of the entering of others, and after the expiration of the time for which they were entered, and before any of them are paid off, he shall make return of a complete list of the same, including those who shall remain on board his ship.

10. The men shall, at their request, be furnished with slops that are necessary, by order of the captain, and the amount delivered to each man, shall be regularly returned by the purser, so that the same be stopped out of his pay.

11. All officers not having commissions or warrants, (or appointed commission or warrant officers for the time being) are termed petty, or inferior officers.

12. Whenever any inferior officer, seaman, or other person, be turned over into the ship of a commander other than the one with whom he entered, he is not to be rated on the ship's books, in a worse quality, or lower degree or station, than he served in the ship he was removed from; and for the guide of the captain, he is to demand from the commander of the ship from which such person or persons were turned over, a list, under his hand, of his or their names, and the quality in which he or they served.

13. Any officer, seaman or other person, entitled to wages or prize money, may have the same paid to his assignee, provided the assignment be attested by the captain and the purser; but the captain or commander of every vessel in the service of the United States, is to discourage his crew from selling any part of their wages or prize money, and never to attest the letter of attorney until he is satisfied that the same is not granted in consideration of money given for the purchase of wages, or shares of prize money.

14. When any officer or other person dies, the captain is forthwith to have his name entered on the books of the ship, in order to the wages being forthwith paid to his executors or administrators.

15. A convenient place shall be set apart for the sick or hurt men, to which they are to be removed with their hammocks and bedding, when the surgeon shall advise the same to be necessary, and some of the crew shall be appointed to attend them, and keep the place clean;—cradles and buckets with covers, shall be made for their use, if necessary.

16. All ships furnished with fishing tackle, being in such places where fish is to be had, the captain is to employ some of the company in fishing: The fish to be daily distributed to such persons as are sick, or upon recovery, provided the surgeon recommend it, and the surplus, by turns, amongst the messes of the officers and seamen, gratis, without any deduction of their allowance of provisions on that account.

17. It is left to the discretion of commanders of squadrons, to shorten the allowance of provisions according to the exigence of the service,

taking care that the men be punctually paid for the same—the like power is given to captains of ships acting singly, where it is deemed necessary, and if there should be a want of pork, the captain is to order three pounds of beef to be issued in lieu of two pounds of pork.

ance of provisions may be shortened.

18. If any ships of the United States shall happen to come into port in want of provisions, the warrant of the commander of the squadron, or of a captain where there is no commander of a squadron present, shall be sufficient to procure the supply of the quantity wanted, from the agent, or navy agent at such port.

Warrant for supply of provisions.

19. The captains are frequently to cause to be inspected the condition of the provision, and if the bread proves damp, to have it aired upon the quarter deck, and other convenient places, and in case of the pickle being leaked out of the flesh casks, he is to have new pickle made and put therein, after such casks are repaired.

Provisions to be inspected.

20. The captain shall cause the purser to secure the clothes, bedding and other things, of such persons as shall die or be killed, to be delivered to their executors or administrators.

Clothes, &c. of deceased to be secured.

21. All papers, charter-parties, bills of lading, passports, and other writings whatsoever, found on board any ship or ships which shall be taken, shall be carefully preserved and the originals sent to the court of justice for maritime affairs, appointed or to be appointed for judging concerning such prize or prizes, and if any person or persons shall wilfully or negligently destroy or suffer to be destroyed any such paper or papers, he or they so offending shall forfeit his or their share of such prize or prizes, and suffer such other punishment as they shall be judged by a court martial to deserve; and if any person or persons shall embezzle or steal, or take away any cables, anchors, sails or any of the ship's furniture, or any of the powder, arms, ammunition, or provisions of any ship belonging to the United States, or of any prize taken by a ship or ships, aforesaid, or maltreat or steal the effects of any prisoner, he or they so offending shall suffer such punishment as a court martial shall order.

Papers found on board of captured vessels to be preserved.

Penalty on stealing certain things.

22. When in sight of any ship, ships, or other vessels of the enemy, or at such other times as may appear necessary to prepare for an engagement, the captain shall order all things in his ship in a proper posture for fight, and shall, in his own person, and according to his duty, heart on, and encourage the inferior officers and men to fight courageously, and not to behave themselves faintly or cry for quarters, on pain of such punishment as the offence shall appear to deserve for his neglect.

Preparation for fight.

23. Any captain, officer or other person who shall not exert himself, or who shall basely desert his duty or station in the ship, and run away while the enemy is in sight, or in time of action, or shall entice others to do so, shall suffer death, or such other punishment as a court martial shall inflict.

Cowardice.

24. Any officer, seaman, mariner or other person who shall disobey the orders of his superior, or begin, excite, cause or join in any mutiny or sedition in the ship to which he belongs, or in any other ship or vessel in the service of the United States, on any pretence whatsoever, shall suffer death, or such other punishment as a court martial shall direct; and further, any person in any ship or vessel belonging to the service aforesaid, who shall utter any words of sedition and mutiny, or endeavour to make any mutinous assembly on any pretence whatsoever, shall suffer such punishment as a court martial shall inflict.

Mutiny and sedition.

25. None shall presume to quarrel with or strike his superior officer, on pain of such punishment as a court martial shall order to be inflicted.

Quarreling with or striking a superior officer.

26. If any person shall apprehend he has just cause of complaint, he shall quietly and decently make the same known to his superior officer, or to the captain, as the case may require, who shall take care that justice be done him.

To whom complaints shall be made known.

Quarreling and fighting, &c.

27. There shall be no quarreling or fighting between ship mates on board any ship belonging to the United States, nor shall there be used any reproachful or provoking speeches, tending to make quarrels and disturbances, on pain of imprisonment, or of such punishment as the captain, or a court martial shall judge proper to inflict.

Neglect of duty.

28. If any person shall sleep upon his watch, or negligently perform the duty which shall be enjoined him to do, he shall suffer such punishment as the captain, or a court martial shall inflict.

Murder.

29. All murder shall be punished with death.

Robbery and theft.

30. All robbery and theft, not exceeding twenty dollars, shall be punished at the discretion of the captain, and above that sum as a court martial shall inflict.

Master of arms misbehaving.

31. Any master of arms, or other person of whom the like duty may be required, refusing to receive such prisoner or prisoners, as shall be committed to his charge, or having received them shall suffer him or them to escape, or dismiss them without orders from his captain, the commander in chief of the navy or the commander of a squadron, for so doing, shall suffer in his or their stead as a court martial shall order and direct.

Duty of detecting and apprehending offenders.

32. The captains, officers and others shall use their utmost endeavours to detect, apprehend, and bring to punishment all offenders, and shall at all times readily assist all officers and others appointed for that purpose, in the discharge of such duty, when it is required, on pain of being proceeded against and punished by a court martial at discretion.

Correspondence with enemies or rebels.

33. If any officer whatsoever, mariner, marine soldier, or other person, belonging to any ship or vessel of war in the service of the United States, shall give, hold or entertain intelligence, to or with any enemy or rebel, without leave from the government, commander in chief, or in case of a single ship, from his captain, every such person so offending, and being thereof convicted by the sentence of a court martial, shall be punished with death.

Letters or messages from enemies or rebels to be made known.

34. If any letter or message from an enemy or a rebel be conveyed to any officer, mariner, marine or other person, belonging to any ship or vessel in the service of the United States, and the person as aforesaid shall not within twelve hours, having opportunity so to do, acquaint his superior or commander in chief with it; or if any superior officer being acquainted therewith, shall not in convenient time reveal the same to the commander in chief, commander of a squadron or other proper officer, appointed to take cognizance of such offence, every such person so offending, and being convicted thereof, by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and according to the sentence of a court martial.

Spies.

35. All spies, and all persons whatsoever who shall come or be found in the nature of spies, to bring or deliver any seducing letter or message, from an enemy or rebel, or endeavour to corrupt any captain, officer, mariner, marine, or other person in the fleet, to betray his trust, being convicted of any such offence by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court martial shall impose.

Supplying enemies or rebels.

36. No person in a fleet, or in a single ship or vessel, shall supply an enemy or rebel with stores, money, victuals, arms, ammunition, or any kind of stores, directly or indirectly, upon pain of death, or such other punishment as a court martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

Running away to the enemy, &c. or yielding cowardly, &c.

37. Every person in or belonging to any ship or vessel in the service of the United States, who shall desert or run away with any vessel or boat, to the enemy or otherwise, or with any effects of the United States,

whatsoever, or yield up the same cowardly or treacherously, shall suffer death, or such other punishment as a court martial shall inflict.

38. The officers and seamen, &c., of all ships appointed for convoy and guard of merchantmen, shall diligently attend upon that charge without delay, according to their instructions, and whosoever shall be faulty therein, shall be punished as a court martial shall direct.

Duty as to
convoy.

39. If any captain, commander or other officer of any ship or vessel in the service of the United States, shall receive or permit on board his vessel any goods or merchandise, other than for the sole use of his vessel, except gold, silver, or jewels, and except the goods and merchandise of vessels which may be in distress or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for the proper owner, without legal orders from the naval department, every person so offending being convicted thereof, by the sentence of a court martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the navy service of the United States.

Penalty on re-
ceiving mer-
chandise on
board.

40. There shall be no wasteful expense of any powder, shot, ammunition, or other stores in the vessels belonging to the United States, nor any embezzlement thereof, but the stores and provisions shall be carefully preserved, upon pain of such punishment, to be inflicted upon the offenders, abettors, buyers and receivers, as shall be by a court martial found just in that behalf.

Waste and
embezzlement
of stores.

41. Every person in the navy who shall unlawfully burn or set fire to any kind of public property, not then appertaining to an enemy, pirate or rebel, being convicted of any such offence by the sentence of a court martial, shall suffer death.

Unlawfully
setting fire to
public property.

42. Care shall be taken in steering and conducting every ship belonging to the United States, so that through wilfulness, negligence, or other defaults, no ship be stranded or hazarded, upon pain that such as shall be found guilty therein, be punished as the offence, by a court martial, shall be judged to deserve.

Care to be
used in navigat-
ing.

43. Every officer or other person in the navy, who shall knowingly make or sign a false muster, or procure the making or signing thereof, or shall aid or abet in the same, shall be cashiered and rendered incapable of further employment in the navy service of the United States, and shall forfeit all the pay and subsistence money due to him.

Making a false
muster.

44. Every person guilty of mutiny, desertion or disobedience to his superior officer on shore, acting in the proper line of his duty, shall be tried by a court martial, and suffer the like punishment for every such offence, as if the same had been committed at sea, on board any ship or vessel of war in the service of the United States.

Mutiny, deser-
tion and disobe-
dience on shore.

45. If any person belonging to any ship or vessel of war in the service of the United States, shall, when on shore, on duty, or otherwise, plunder, abuse, or maltreat any inhabitant, or injure his property in any way, such person shall be punished as a court martial shall direct.

Offences on
shore against
the inhabitants.

46. All faults, disorders and misdemeanors which shall be committed on board any ship belonging to the United States, and which are not herein mentioned, shall be punished according to the laws and customs in such cases at sea.

Punishment
of misdemea-
nors not speci-
fied.

47. No court martial, to be held or appointed by virtue of this act, shall consist of more than thirteen, nor less than five persons, to be composed of such commanders of squadrons, captains and sea lieutenants, as are then and there present, and as are next in seniority to the officer who presides; but no lieutenant shall sit on a court martial, held on a captain, or a junior lieutenant on that of a senior.

How a court
martial shall be
composed.

48. Every member of a court martial shall take the following oath: "I, A. B. do swear, that I will well and truly try and impartially determine the cause of the prisoner now to be tried, according to the rules of the navy of the United States. So help me God." Which oath shall

Oaths of the
court martial.

Judge advocate,

and witnesses.

Sentences of courts martial in capital cases to be confirmed, &c.

Commander in chief may remit sentences of death.

Misbehaviour of witnesses.

Perjury and subornation thereof.

Authority of the officers to continue after the vessel is lost.

In such case court martial is to be held.

be administered by the president to the other members, and the president himself shall be sworn by the officer next in rank; and as soon as the above oath shall have been administered, the president of the court is required to administer to the judge advocate, or person officiating as such, an oath in the following words: "I, A. B. do swear, that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereto required by an act of Congress. So help me God." And all the witnesses, before they be admitted to give evidence, shall take the following oath: "I, A. B. do swear, that the evidence I shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help me God."

49. The sentence of a court martial for any capital offence shall not be put in execution, until it be confirmed by the commander in chief of the fleet. And it shall be the duty of the president of every court martial, to transmit to the commander in chief of the fleet, and to the head of the Navy department, every sentence which shall be given, with a summary of the evidence and proceedings thereon, as soon as may be.

50. The commander in chief of the fleet, for the time being, shall have power to pardon and remit any sentence of death, in consequence of any of the aforementioned articles.

SEC. 2. *And it is hereby further enacted*, That if any person in the navy service, being called upon to give evidence at any court martial, shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court martial to punish such offender by imprisonment, at the discretion of the court; such imprisonment, in no case, to continue longer than three months; and that all and every person and persons, who shall commit any wilful perjury in any evidence or examination upon oath at such court martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted in any of the courts of the United States, by indictment or information. And all and every person, lawfully convicted upon any such indictment or information, shall be punished with such pains and penalties as are inflicted for the like offences by the laws therein provided.

SEC. 3. *And it is hereby further enacted, by the authority aforesaid*, That in all cases where the crews of the ships or vessels of the United States shall be separated from their vessels, by the latter being wrecked, lost, or destroyed, all the command, power and authority given to the officers of such ships or vessels, shall remain and be in full force as effectually as if such ship or vessel was not so wrecked, lost or destroyed, until they shall be regularly discharged from the service of the United States, or removed into some other of its said ships, or until a court martial shall be held, to inquire into such loss of the said ship or vessel; and if upon inquiry it shall appear by the sentence of the court martial, that all or any of the officers, seamen, marines, and others of the said ship or vessel, did their utmost to preserve, get off, or recover the said ship or vessel, and after the loss thereof did behave themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders herein before established, then all the pay and wages of the said officers and seamen, or such of them as shall have done their duty as aforesaid, shall continue and go on, and be paid to the time of their discharge or death; and every such officer or seaman, who after the wreck or loss of his said ship or vessel, shall act contrary to the discipline of the navy, or the articles herein before established, or any of them, shall be sentenced by the said court martial, and be punished, as if the ship to which he did belong was not so wrecked or destroyed.

SEC. 4. *And be it further enacted*, That all the pay and wages of such

officers and seamen of any of the ships of the United States as are taken by the enemy, and upon inquiry at a court martial, shall appear by the sentence of the said court, to have done their utmost to defend the ship or ships, and since the taking thereof, to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders, herein before established, shall continue and go on as aforesaid, until they be exchanged and discharged, or until they shall die, whichever may first happen: *Provided always*, that persons flying from justice shall be tried and punished for so doing.

Prisoner's pay
to go on.

SEC. 5. *And be it further enacted*, That all captured national ships or vessels of war shall be the property of the United States—all other ships or vessels, being of superior force to the vessel making the capture, in men or in guns, shall be the sole property of the captors—and all ships or vessels of inferior force shall be divided equally between the United States and the officers and men of the vessel making the capture.

To whom
prizes shall be-
long.

SEC. 6. *And be it further enacted*, That the produce of prizes taken by the ships of the United States, and bounty for taking the ships of the enemy, be proportioned and distributed in the manner following, to wit:—

Distribution
of prize money
and bounty.

1. To the captain actually on board at the time of taking any prize, being other than a public or national vessel, or ship of war, three twentieths of that proportion of the proceeds belonging to the captors.

2. If such captain or captains be under the immediate command of a commander in chief, or commander of a squadron, having a captain on board, such commander in chief, or commander of a squadron, to have one of the said twentieth parts, and the captain taking the prize, the other two twentieth parts.

3. To the sea lieutenants and sailing-master, two twentieths.

4. To marine officers, the surgeon, purser, boatswain, gunner, carpenter, master's mate and chaplain, two twentieths.

5. To midshipmen, surgeon's mates, captain's clerk, clergyman or schoolmaster, boatswain's mates, gunner's mates, carpenter's mates, ship's steward, sail-maker, master at arms, armorer, and cockswain, three twentieths.

6. Gunner's yeoman, boatswain's yeoman, quartermasters, quarter-gunners, cooper, sail-maker's mates, sergeant of marines, corporal of marines, drummer and fifer and extra petty officers, three twentieths.

7. To seamen, ordinary seamen, marines and boys, seven twentieths.

8. Any officer on board having more posts than one, is only entitled to the share belonging to his superior office, according to the regulations aforesaid.

9. Whenever one or more ships of the United States are in sight, at the time of any one or more other ships as aforesaid are taking a prize or prizes, or being engaged with an enemy, and they shall all be so in sight, when the enemy shall strike or surrender, they shall share equally, according to the number of guns and men on board of each ship so in sight—but no privateer or armed ship, being in sight of a national ship of war, at the taking of any prize, shall be entitled to any share in such prize or prizes.

10. Commanders of ships of war taking any prize, are to transmit, as soon as possible, to the naval department, a true list of the officers and men actually on board at the taking of such prize, inserting therein the quality of every person's rating; and the department aforesaid is to examine the said list by the ship's muster book, to see their agreement, and is to grant certificates of the truth of such list transmitted, in order that the agents appointed by the captors, make payment of the shares, agreeably to this act.

11. In order to define the rights and privileges of commanders in

chief, commanders of squadrons and captains, in relation to captures—No commander in chief, or commander of a squadron, shall be entitled to receive any share of prizes taken by the ships of war of the United States that are not put under his immediate command, nor of such prizes as may have been taken previous to such ships being placed under his command, and until they have acted under his immediate orders; nor shall a commander in chief, or commander of a squadron, returning home from any station where he had the command, have any share in prizes taken by ships left on such station, after he has got out of the limits of his said command.

12. Captains, sailing specially under orders from the navy department, are clearly to be understood as acting separately from any superior officer.

13. The bounty given by the United States on any national ship of war, taken from the enemy and brought into port, shall be for every cannon mounted, carrying a ball of twenty-four pounds, or upwards, two hundred dollars; for every cannon carrying a ball of eighteen pounds, one hundred and fifty dollars; for every cannon carrying a ball of twelve pounds, one hundred dollars; and for every cannon carrying a ball of nine pounds, seventy-five dollars; for every smaller cannon, fifty dollars; and for every officer and man taken on board, forty dollars; which sums are to be divided agreeably to the foregoing articles.

Rates of salvage.

SEC. 7. *And be it further enacted*, That for the ships or goods belonging to the citizens of the United States, or to the citizens or subjects of any nation, in amity with the United States, if retaken from the enemy within twenty-four hours, the owners are to allow one eighth part of the whole value for salvage, if after twenty-four hours, and under forty-eight, one fifth thereof, if above that and under ninety-six hours, one third part thereof, and if above that, one half, all of which is to be paid without any deduction whatsoever, agreeable to the articles herein before mentioned.

Allowance of half pay to persons disabled in the service.

SEC. 8. *And be it further enacted*, That every officer, seaman or mariner disabled in the line of his duty, shall be entitled to receive for his own life, and the life of his wife, if a married man, at the time of receiving the wound, one half his monthly pay.

Prize money belonging to the public to be a fund to discharge the half pay, &c.

SEC. 9. *And be it further enacted*, That all the money accruing, or which has already accrued from the sale of prizes, shall be and remain for ever a fund for the payment of the half pay to the officers and seamen who may be entitled to receive the same—and if the said fund shall be insufficient for this purpose, the public faith is hereby pledged to make up the deficiency. But if it should be more than sufficient, the surplus shall be applied as Congress may hereafter direct by law, to the making of further provision for the comfort of the disabled officers, seamen and mariners, and for such as may not be disabled, who may merit by their bravery, or their long and faithful services, the gratitude of their country.

Management of the fund.

SEC. 10. *And be it further enacted*, That the said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury and the Secretary at War for the time being, who are hereby authorized to receive all such sums as the United States may be entitled to, from the sale of prizes, and to invest the same, and the interest arising therefrom, in such of the six per cent. or other stock of the United States, as a majority of them from time to time shall determine to be most advantageous; and it shall be the duty of the said commissioners to lay before Congress, every year, in the first week of their annual meeting, a minute and correct statement of their proceedings, in relation to the management of said fund.

Private rules to conform with

SEC. 11. *And be it further enacted*, That no rules or regulations made by any commander in chief, or captain, in the service of the

United States, for the stationing, designating of duty and government of the fleet, or any of the crews of any ship of war, shall be at variance with this act, but shall be strictly conformable thereto; and that every commander in chief and captain, in making private rules and regulations, and designating the duty of his officers, shall keep in view also the custom and usage of the sea service most common to our nation.

APPROVED, March 2, 1799.

this act and the usages of the sea service.

STATUTE III.

CHAP. XXV.—*An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-nine.*

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the expenditure of the civil list, including the contingent expenses of the several departments and officers; for defraying the compensations of clerks in the several loan offices, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the support of lighthouses, beacons, buoys and public piers; for the contingent expenses of government; for establishing and maintaining trading houses with the Indians, and for satisfying certain miscellaneous claims and expenses, the following sums be respectively appropriated; that is to say:

[Obsolete.]
Specific appropriations.

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and ninety thousand one hundred and seventy-five dollars.

For the expense of firewood, stationery, printing work, and all other contingent expenses of the two houses of Congress, thirteen thousand five hundred dollars.

For the compensations granted by law to the chief justice, associate judges, district judges and attorney general, district attorneys and marshals, forty-seven thousand three hundred dollars.

For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, thirty thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eleven thousand and fifty dollars.

For expense of stationery, printing, translating of foreign languages, allowance to persons employed in receiving and transmitting passports and sea letters, in the office of the Secretary of the Treasury, eight hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, twelve thousand seven hundred dollars.

For expense of stationery, printing and all other contingent expenses in the comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand nine hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the office of the auditor, seven hundred and fifty dollars.

For compensation to the Treasurer, clerks and persons employed in his office, five thousand eight hundred and fifty dollars.

For expenses of firewood, stationery, printing, rent and all other contingencies in the treasurer's office, six hundred dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, six thousand one hundred and twenty-five dollars.

Specific ap-
propriations.

For expense of stationery, printing and all other contingent expenses in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, sixteen thousand and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the register's office (including books for the public stocks and for the arrangement of the marine papers), two thousand eight hundred dollars.

For compensation to the Purveyor of Public Supplies, two thousand dollars; and five hundred dollars for a clerk.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For the payment of rent for the several houses employed in the Treasury department (except the treasurer's office) two thousand seven hundred and thirty dollars and sixty-six cents.

For the expense of firewood and candles in the several offices of the Treasury department, (except the treasurer's office,) three thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts for the year one thousand seven hundred and ninety-nine, (including an increase of two hundred dollars, in consequence of an extension of the revenue and expenditures,) one thousand two hundred dollars.

For defraying the expense incident to the removal of the books and records of the Treasury department from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the several officers, clerks and messengers in each office, four thousand four hundred dollars.

For compensations to the several loan officers, thirteen thousand two hundred and fifty dollars.

For the expense incident to the removal of the loan office of Pennsylvania, from Philadelphia, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the clerks in the said office, one hundred and seventy-eight dollars and seventy cents.

For compensations to the clerks to the Commissioners of Loans, and an allowance to certain loan officers in lieu of clerk hire, and to defray the authorized expenses of the several loan officers, thirteen thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, eleven thousand three hundred dollars.

For incidental and contingent expenses in the said department, eight thousand five hundred dollars.

For the expense incident to the removal of the department of State from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the Secretary for the department, the clerks and messengers therein, four hundred and forty-one dollars and thirty-five cents.

For compensations to the following officers of the mint: the director, two thousand dollars; the treasurer, one thousand two hundred dollars; the assayer, one thousand five hundred dollars; the chief coiner, one thousand five hundred dollars; the melter and refiner, one thousand five hundred dollars; the engraver, one thousand two hundred dollars; one clerk, at seven hundred dollars; and two at five hundred dollars each, one thousand dollars.

For the wages of persons employed at the different branches of melting, refining, coining, carpenters, millwrights, and smiths' work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, seven thousand dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies of the establishment of the mint, six thousand three hundred dollars. Specific appropriations.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand four hundred and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses in the office of the Secretary of War, two thousand dollars.

For compensation to the Accountant of the War department, clerks and persons employed in his office, ten thousand eight hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the War department, one thousand dollars.

For the expense incident to the removal of the War department from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the Secretary for the department, the accountant, clerks and messengers in each office, three thousand two hundred and twenty-two dollars and forty-three cents.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand and fifty-five dollars.

For expense of firewood, stationery, printing, rent, and all other contingencies in the office of the Secretary of the Navy, two thousand eight hundred and fifty dollars.

For expense of removing the department of the Navy, from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the clerks and messengers in the offices of the Secretary and Accountant for the department, four hundred and twenty-seven dollars and forty-eight cents.

For compensation to the Accountant of the Navy, clerks and persons employed in his office, nine thousand two hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the Navy, seven hundred and fifty dollars.

For compensation to the keeper of the navy store, and his assistant; laborers employed in the store, portorage, and store rent, three thousand eight hundred dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the assistant surveyors, chain carriers, axe men, and other persons employed, stationery, and other contingent expenses in the Surveyor General's department (in addition to former appropriations) nine thousand five hundred and nineteen dollars.

For compensation to the governor, secretary and judges of the territory northwest of the Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, printing patents for land, office rent and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor of the Mississippi territory, and for discharging the duties of superintendent of Indian affairs, during part of the year one thousand seven hundred and ninety-eight, one thousand three hundred and two dollars and nineteen cents.

For compensation to the secretary of the Mississippi territory, and for discharging the duties of secretary during part of the year one thousand seven hundred and ninety-eight, four hundred and eighty-eight dollars and thirty-three cents.

For compensation to three judges of the Mississippi territory, during part of the year one thousand seven hundred and ninety-eight, one thousand four hundred and forty-eight dollars and thirty-six cents.

For compensation to the governor, secretary and judges of the Mis-

Specific appropriations.

Mississippi territory, for the year one thousand seven hundred and ninety-nine, five thousand one hundred and fifty dollars.

For the expenses of stationery, office rent, printing patents for land, and other contingent expenses of the government of the Mississippi territory (including eight months of the year one thousand seven hundred and ninety-eight) five hundred and eighty-three dollars and thirty-three cents.

For the discharge of such miscellaneous demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, one thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred and fifty-three dollars and thirty-three cents.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, three hundred and seventy-five dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, and stakeage of channels, bars and shoals, and for occasional improvement in the construction of lanterns and lamps, and materials used in them, including an allowance for the increased number of lighthouses, forty-four thousand two hundred and eighty-one dollars and eight cents.

For defraying the contingent expenses of the government (the amount of former appropriations unexpended being carried to the credit of the surplus fund) twenty thousand dollars.

For the establishment and maintenance of trading houses with the Indians (the balance unexpended of a former appropriation being carried to the credit of the surplus fund) one hundred and ten thousand dollars.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted, in a due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

For compensation to the Postmaster General, assistant Postmaster General, clerks and persons employed in the Postmaster General's office, eight thousand nine hundred and fifty dollars.

For expense of firewood, stationery, printing, rent and other contingent expenses, in the office of the Postmaster General, two thousand dollars.

Out of what funds the appropriations are to be paid.

Ante, p. 138.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," together with so much as may be necessary of the proceeds of the duties on imports, and the tonnage of ships and vessels, and the duties on domestic distilled spirits and stills, which shall accrue until the close of the present year.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

Repealed by act of April 6, 1802.

CHAP. XXVI.—*An Act respecting Distillers of Geneva.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proprietor or possessor of any distillery situated in any place other than a city, town or village, and employed solely in the distillation of geneva, where such

proprietor or possessor shall employ in such distillery any one still whose capacity shall exceed eight hundred gallons, from materials the growth or produce of the United States, may at his or her option be charged with and pay duty on the quantity of spirits thereat distilled, at the same rates, according to the proof thereof, as are now chargeable on such spirits distilled in cities, towns and villages, subject to the same regulations, provisions, penalties and forfeitures as are established for securing and collecting the duties on other domestic distilled spirits.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

CHAP. XXVII.—*An Act to regulate the Medical Establishment.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the medical establishment of the United States, there shall be the following officers: A physician-general, who shall be charged with the superintendence and direction of all military hospitals, and generally of all medical and chirurgical practice or service concerning the army or navy of the United States, and of all persons who shall be employed in and about the same, in camps, garrisons and hospitals. An apothecary-general, and one or more deputies, who shall be charged with the safe-keeping and delivery of all medicines, instruments, dressings and other articles for the use of the hospital and army. A purveyor, who shall be charged with providing medicines, stores, and whatsoever else may be necessary in relation to the said practice or service. A competent number of hospital surgeons, who shall be liable to serve in the field, and who shall have the immediate charge and direction of such military hospitals as may be committed to their care respectively. A suitable number of hospital mates, who are to observe the directions of the hospital surgeons, and shall diligently perform all reasonable duties required of them for the recovery of the sick and wounded.

SEC. 2. *And be it further enacted,* That each military hospital shall have a steward, with a competent number of nurses and other attendants; which steward shall be charged with the procuring of such supplies as may not otherwise be furnished, and with the safe-keeping and issuing of all supplies.

SEC. 3. *And be it further enacted,* That the said physician-general, hospital surgeons, purveyor, and apothecary and apothecaries, deputy or deputies, shall be appointed to other officers of the United States; that the said mates and stewards shall be appointed by the authority, and at the direction of the said physician-general, subject to the eventual approbation and control of the President of the United States, and shall be removable by the authority of the said physician-general; and that the surgeon of each hospital shall appoint, employ and fix the compensations of the nurses and other attendants of such hospital, subject to the control of the said physician-general, or the hospital surgeon, of senior appointment, with a separate army, or in a separate district.

SEC. 4. *And be it further enacted,* That as often as the regimental sick will not suffer by the employing of regimental surgeons or mates in the temporary or other hospitals of the United States, the physician-

Of what officers the medical establishment shall consist,

1802, ch. 7.

Persons to attend military hospitals.

How the persons belonging to the medical establishment shall be appointed, &c.

Regimental surgeons and mates may be employed in the hospitals.

(a) The acts relating to the Medical departments of the army and navy, are: An act to regulate the medical establishment, March 2, 1799, chap. 27; an act fixing the military peace establishment of the United States, March 16, 1802, chap. 9, sec. 3; an act further to regulate the medical department of the army, May 8, 1820, chap. 34; an act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, sec. 10; an act for the better organization of the medical department of the navy of the United States, May 24, 1828, chap. 121; an act to amend "an act for the better organization of the medical department of the navy," approved 24th of May, 1828, January 21, 1829, chap. 7; an act to increase the number of surgeons and assistant surgeons, in the army of the United States, June 28, 1832, chap. 150; an act to increase and regulate the pay of the surgeons and assistant surgeons of the army, June 30, 1834, chap. 133.

general, or the hospital surgeon of senior appointment with a separate army, or in a separate district, with the consent of the general and commander in chief, or the officer commanding a separate army, may require the attendance of such surgeons or surgeons' mates, as, in his opinion, can be with safety so withdrawn from their regiments.

The physician general and hospital surgeons to frame a system of directions.

SEC. 5. *And be it further enacted*, That it shall be the duty of the physician-general, with two or more hospital surgeons, to frame a system of directions relative to the description of patients to be admitted into the hospitals; to the means of promoting cleanliness in the hospitals; to the prevention of idleness, skulking and gambling in the hospitals; to the prevention of the spread of infectious distempers in the camps and hospitals, and the government of nurses, and all others charged with the care of the sick, in camps or hospitals, subject in the first instance to the approbation and revision of the commander in chief, the commander of a separate army, or in a separate district as the case may be, and eventually to the approbation and control of the President of the United States: *Provided always*, that the said directions, having received the sanction of the commander in chief, or the commander of a separate army, shall be operative, and remain in full force, unless altered or annulled by the President of the United States.

Compensation and emoluments of the officers.

SEC. 6. *And be it further enacted*, That the compensations of the said several officers shall be as follows: Of the physician-general, one hundred dollars pay per month, and fifty dollars per month, which shall be in full compensation for forage, rations and travelling expenses: of the purveyor, one hundred dollars pay per month, in full compensation for his services and all expenses: of the apothecary-general, eighty dollars pay per month, and thirty dollars per month in full compensation for forage, rations and all expenses: of each of his deputies, fifty dollars pay per month, and sixteen dollars per month in full compensation for forage, rations and all expenses: of each hospital surgeon, eighty dollars pay per month, and forty dollars per month in full compensation for forage, rations and all expenses: of each mate, thirty dollars pay per month, and twenty dollars per month in full compensation for forage, rations and all expenses: of each steward, twenty-five dollars pay per month, and eight dollars per month in full compensation for forage, rations and all expenses. *Provided*, that none of the officers aforesaid shall be entitled to any part of the pay or emoluments aforesaid, until they shall respectively be called into actual service.

Temporary and permanent hospitals may be provided.

SEC. 7. *And be it further enacted*, That for the accommodation of the sick of the army and navy of the United States, the physician-general and hospital surgeon of senior appointment, with the approbation of the general commanding the army within the district where he shall be, shall have power to provide temporary hospitals; and the physician-general, with the approbation of the President of the United States, shall have power to provide and establish permanent hospitals.

Rules to which the said officers and others shall be subject, &c.

SEC. 8. *And be it further enacted*, That all the said officers and others shall, as touching their several offices and duties, be liable to the rules and regulations for the government and discipline of the army; and shall be bound to obey, in conformity with law and the usages and customs of armies, the orders and directions of the chief military officers of the respective armies, and within the respective districts in which they shall respectively serve and be.

A medical board to examine candidates.

SEC. 9. *And be it further enacted*, That the physician-general, or in his absence, the senior medical officer, with the approbation of the commander in chief, or commanding officer of a separate army, be, and hereby is authorized and empowered, as often as may be judged necessary, to call a medical board, which shall consist of the three senior medical officers then present, whose duty it shall be to examine all can-

didates for employment or promotion in the hospital department, and certify to the Secretary at War the qualifications of each.

APPROVED, March 2, 1799.

CHAP. XXVIII.—*An Act making additional appropriations for the year one thousand seven hundred and ninety-nine.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following additional appropriations for the year one thousand seven hundred and ninety-nine, shall be, and are hereby made; that is to say:—

For further expenses in carrying into effect the fifth article of the treaty of amity, commerce and navigation between the United States and Great Britain, twenty-five thousand dollars.

For the salaries, office rent, clerk hire, and contingencies of the commissioners under the sixth article of the said treaty, and for the salary of their secretary, sixteen thousand dollars.

For enabling the President of the United States to defray the expenses which have been and may be incurred under the act passed June the thirtieth, one thousand seven hundred and ninety-seven, intituled "An act directing the appointment of agents in relation to the sixth article of the treaty of amity, commerce and navigation, between the United States and Great Britain," a sum not exceeding ten thousand dollars in addition to the sum already appropriated for that purpose.

For the salaries of the commissioners, under the seventh article of the said treaty, sixteen thousand, six hundred and sixty-six dollars, and sixty-seven cents.

For the salaries, clerk hire, office rent, and other contingencies of the two agents residing in England, on business relative to the said seventh article, nine thousand, eight hundred and thirty-three dollars, and thirty-three cents.

For further expenses in carrying into effect the treaty of amity, navigation and limits between the United States and Spain, twenty thousand dollars.

For making good deficiencies in former appropriations for carrying into effect the engagements of the United States with the Mediterranean powers, two hundred thousand dollars.

For satisfying claims, other than for registered debt, which may be allowed at the treasury of the United States, pursuant to the act, intituled "An act respecting loan office and final settlement certificates" (in addition to former appropriations) the sum of thirty thousand dollars.

For the expenses of intercourse with foreign nations during the present year, in addition to the sum of forty thousand dollars appropriated by law, for that purpose, the sum of twenty-one thousand dollars.

For the contingent expenses of intercourse with foreign nations, the sum of seventy-eight thousand, seven hundred dollars.

For the reimbursement of such reasonable advances of money, as have been, or during the present year, may be made by the consuls of the United States, in affording relief to sick and destitute American seamen in foreign countries, or in aiding them to return to their homes, twenty thousand dollars.

For the expenses already arisen, or which, during the present year, may be incurred, for the support and safe keeping of persons captured in French ships and vessels, eighteen thousand dollars.

SEC. 2. *And be it further enacted,* That the President of the United States shall be, and hereby is authorized to cause to be paid to certain subjects of Algiers and Tunis, the damages sustained by them from the capture or loss of certain merchandise freighted on board of vessels sailing under the flag of the United States; and that fifty-one thousand

STATUTE III.

March 2, 1799.

[Obsolete.]
Specific appropriations.

1797, ch. 6.

1798, ch. 51.

Certain subjects of Algiers and Tunis to be indemnified.

nine hundred and eighty-seven dollars be appropriated for that purpose.

Damages and costs to be paid to the owner of the ship Niger.

SEC. 3. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to cause to be paid to the master and owner of the armed ship Niger, such costs and damages as have been, or may be awarded against the United States, pursuant to the decree of the circuit court of the United States for the district of Virginia, for the capture and detention of the said ship, by the Constitution frigate; and that eleven thousand dollars be appropriated for that purpose.

How the appropriations are to be paid.

SEC. 4. *And be it further enacted*, That the said appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

1796, ch. 46.

CHAP. XXIX.—*An Act to amend the act intituled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the fourth section of an act, intituled "An act regulating the grants of land appropriated for military services, and for the society of the United Brethren, for propagating the gospel among the Heathen," be, and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That all the lands set apart by the first section of the above mentioned act, which shall remain unlocated on the first day of January, in the year one thousand eight hundred and two, shall be released from the said reservation, and shall be at the free disposition of the United States, in like manner as any other vacant territory of the United States. And that all warrants or claims for lands on account of military services, which shall not, before the day aforesaid, be registered and located, shall be for ever barred.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

Act of March 3, 1796, ch. 50. Laws, &c. to be published in one or more newspapers in each state.

CHAP. XXX.—*An Act in addition to an act intituled "An act for the more general promulgation of the Laws of the United States."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of State shall, as soon as conveniently may be, after he shall receive any order, resolution or law passed by Congress, cause the same to be published at least in one of the public newspapers printed within each state; and whenever in any state, the aforesaid publication shall be found not sufficiently extensive for the promulgation thereof, the Secretary of State shall cause such orders, resolutions and laws to be published in a greater number of newspapers printed within such state, not exceeding three in any state.

Additional copies of the laws of each session to be printed and distributed.

SEC. 2. *And be it further enacted*, That in addition to the number of copies of the laws now required to be printed, at the end of every session of Congress, there shall be printed, under the direction of the Secretary of State, five thousand copies; one copy whereof he shall cause to be delivered to each of the judges of the courts of the United States; one copy to the clerks of the said courts respectively, for the use of the said courts; and one copy to each of the district attorneys and marshals of the United States:—the rest to be furnished according to the rule for apportioning representatives to the several states, and sent to the Executives thereof, to be by them distributed according to the

usage of the states, respectively, as to their own laws, or according to such laws of the states, respectively, as may be provided for the purpose.

SEC. 3. *And be it further enacted*, That the Secretary of State shall cause a copy of the constitution of the United States, and of the amendments which have been made thereto, to be added to each copy of the laws of the present session of Congress, which is to be printed.

Constitution and amendments to be printed.

SEC. 4. *And be it further enacted*, That so much of the second section of the act, intituled "An act to provide for the safe keeping of the acts, records and seal of the United States," as relates to the publishing the laws, orders, resolutions and votes passed by Congress, in the public newspapers, be, and the same is hereby repealed.

Part of former act repealed.

1789, ch. 14.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXXI.—*An Act giving eventual authority to the President of the United States to augment the Army.*

March 2, 1799.

Repealed 1802, ch. 9.

In case of war or danger of invasion an additional force may be raised.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States, in case war shall break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power shall, in his opinion, be discovered to exist, to organize and cause to be raised in addition to the other military force of the United States, twenty-four regiments of infantry, a regiment and a battalion of riflemen, a battalion of artillerists and engineers, and three regiments of cavalry, or such part thereof as he shall judge necessary; the non-commissioned officers and privates of which to be enlisted for a term not exceeding three years, and to be entitled each to a bounty of ten dollars—one half to be paid at the time of enlistment, and the remainder at the time of joining the regiment to which they may belong.

SEC. 2. *And be it further enacted*, That the President of the United States be authorized, whenever it shall appear to him expedient, if during the session of the Senate, with their advice and consent, if, in their recess, alone, to appoint and commission all officers for the said troops, agreeably to the rules and regulations prescribed by law for the military establishment: *Provided*, that the general and field officers who may be appointed in the recess of the Senate, shall, at the next meeting thereof, be nominated and submitted to them for their advice and consent.

How the officers may be appointed.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers and privates of the troops, which may be organized and raised pursuant to this act, shall be entitled to the like pay, clothing, rations, forage and other emoluments, and to the like compensation in case of disability by wounds or otherwise, incurred in the service, as the officers, non-commissioned officers and privates of other troops of correspondent denominations, composing the army of the United States; and with them shall be subject to the rules and articles of war, and to all other regulations for the discipline and government of the army: *Provided*, that no officer, except captains and subalterns who may be employed in the recruiting service, shall be entitled to any pay or other emolument until he shall be called into actual service.

Pay and emoluments to which the new levies shall be entitled.

To what rules they shall be subject.
Proviso.

SEC. 4. *And be it further enacted*, That the laws of the United States respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, clothing, or any part thereof, and the punishment of every commanding officer of every ship or vessel who shall receive on board his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any soldier, or refuse to

The laws respecting the military establishment to be in force in relation to them.

deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken by officers, non-commissioned officers, musicians and privates; and respecting the inserting of conditions in the enlistments; and all other laws respecting the military establishment of the United States, excepting in such cases where different and specific regulations are made by this act, shall be in force, and apply to all persons, matters and things within the intent and meaning of this act, in the same manner as they would were they inserted at large in the same.

The President may discharge them.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, to discharge the whole or any part of the troops which may be raised by virtue of this act, whensoever he shall think fit.

The volunteers may be organized.

1798, ch. 47.

Proviso.

SEC. 6. *And be it further enacted*, That the President of the United States be authorized to organize all such companies of volunteers, as have been or shall be accepted by him, pursuant to the act, entitled "An act authorizing the President of the United States to raise a provisional army," into regiments, brigades and divisions, and to appoint all officers thereof, agreeably to the organization prescribed by law for the army of the United States: And the said volunteers shall not be compelled to serve out of the state in which they reside, a longer time than three months after their arrival at the place of rendezvous.

For what purposes the volunteers may be employed.

1795, ch. 36.

SEC. 7. *And be it further enacted*, That it shall be lawful for the President of the United States to call forth and employ the said volunteers in all the cases, and to effect all the purposes for which he is authorized to call forth and employ the militia by the act, entitled "An act to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repeal invasions, and to repeal the act now in force for these purposes."

Proportion of volunteers from each state limited.

SEC. 8. *And be it further enacted*, That it shall not be lawful for the President of the United States to accept a greater number of the said volunteers in the states, or territories of the United States, than is hereinafter apportioned to them respectively; that is to say: To New Hampshire, three thousand; to Massachusetts, ten thousand; to Rhode Island, one thousand; to Vermont, two thousand; to Connecticut, five thousand; to New York, seven thousand; to New Jersey, five thousand; to Pennsylvania, ten thousand; to Delaware, one thousand; to Maryland, five thousand; to Virginia, ten thousand; to Kentucky, one thousand; to North Carolina, seven thousand; to Tennessee, one thousand; to South Carolina, four thousand; to Georgia, fifteen hundred; to North Western Territory, one thousand: and to Mississippi territory, five hundred.

Appropriation for the purposes of this act, and authority to borrow money.

SEC. 9. *And be it further enacted*, That for the execution of this act, if it shall be found necessary to carry it, or any part of it into effect, there be appropriated the sum of two millions of dollars, and that the President be authorized to borrow, on behalf of the United States, the said sum, or so much thereof as he shall deem necessary (which the Bank of the United States is hereby empowered to lend) and upon such terms and conditions as he shall judge most advantageous to the United States. *Provided*, That such terms and conditions shall not restrain the United States from paying off the sum which may be borrowed, after the expiration of fifteen years.

Certain duties pledged to redeem the loan.

SEC. 10. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be, and hereby is pledged and appropriated for paying the interest of all such monies as may be borrowed pursuant to this act, according to the terms and conditions on which the loan or loans, respectively, may be effected; and also for paying, by discharging the principal sum or sums

of any such loan or loans, according to the terms and conditions to be fixed as aforesaid.

SEC. 11. *And be it further enacted*, That the powers, by the first and second sections of this act vested in the President of the United States, shall cease at the expiration of the session of Congress next ensuing the present, unless they shall be, by some future law, continued in force for a longer time.

APPROVED, March 2, 1799.

Limitation of the powers given in the first and second sections.

STATUTE III.

March 2, 1799.

CHAP. XXXII.—*An Act providing for the security of Bail in certain cases.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases where a defendant, who hath procured bail to respond the judgment in a suit brought against him in any of the courts of the United States, shall afterwards be arrested in any district of the United States, other than that in which the first suit was brought, and shall be committed to a gaol, the use of which shall have been ceded to the United States for the custody of prisoners, it shall be lawful for and the duty of any judge of the court, in which the suit is depending, wherein such defendant had so procured bail as aforesaid, at the request and for the indemnification of the bail, to order and direct that such defendant be held in the gaol to which he shall have been committed a prisoner, in the custody of the marshal, within whose district such gaol is, and upon the said order duly authenticated, being delivered to the said marshal, it shall be his duty to receive such prisoner into his custody, and him safely to keep, and the marshal shall thereupon be chargeable, as in other cases, for an escape. And the said marshal thereupon shall make a certificate, under his hand and seal, of such commitment, and transmit the same to the court from which such order issued; and shall also, if required, make a duplicate thereof, and deliver the same to such bail, his or their agent or attorney, and upon the said certificate being returned to the court which made the said order, it shall be lawful for the said court or any judge thereof, to direct that an exoneretur be entered upon the bail piece where special bail shall have been found, or otherwise to discharge such bail, and such bail shall thereupon accordingly be discharged.

If a defendant giving bail in one district committed in another, the bail may be discharged.

Resolution of Sept. 23, 1789.
Ante, p. 96.

Duty of the marshal.

SEC. 2. *And be it further enacted*, That the marshal or his deputy, serving such order as aforesaid, shall therefor receive the same fees and allowances as for the service of an original process commitment thereon to the gaol and the return thereof.

His fees.

SEC. 3. *And be it further enacted*, That in every case of commitment as aforesaid, by virtue of such order as aforesaid, the person so committed shall, unless sooner discharged by law, be holden in gaol until final judgment shall be rendered in the suit in which he procured bail as aforesaid, and sixty days thereafter, if such judgment shall be rendered against him, that he may be charged in execution, which may be directed to and served by the marshal in whose custody he is: *Provided always*, that nothing in this act contained shall affect any case wherein bail has been already given.

Defendant to be held until judgment in the first suit, &c.

This act not to affect bail already given.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

CHAP. XXXIII.—*An Act to grant an additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the secretary of the Senate and to the clerk of the House of Repre-

Ante, p. 448.

sentatives, each two hundred dollars; and that the sum of one hundred dollars be, and the same is hereby allowed to each of the principal and engrossing clerks in the office of the secretary of the Senate and of the clerk of the House of Representatives, and a like sum to the sergeant-at-arms of the House of Representatives, and to each of the doorkeepers and assistant doorkeepers of the two Houses of Congress, in addition to the compensations heretofore established by law, for the said officers, respectively; and that the aforesaid sums be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

Act of March 3, 1801, ch. 19.

Contractors with John C. Symmes to have a right of pre-emption, on making certain payments.

Ante, p. 266.

1796, ch. 29.

Notice to be given by purchasers.

Right of pre-emption may be lost, &c.

The lands to be surveyed.

Purchasers may be credited with the expense of surveying.

CHAP. XXXIV.—*An Act to authorize the sale of certain lands between the Great and Little Miami rivers in the territory of the United States northwest of the Ohio; and for giving a pre-emption to certain purchasers and settlers.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person or persons, who before the first day of April, in the year one thousand seven hundred and ninety-seven, had made any contract or contracts, in writing, with John Cleves Symmes, for the purchase of lands between the Great and Little Miami rivers, which are not comprehended in his patent, dated the thirtieth day of September, one thousand seven hundred and ninety-four, shall be entitled to a preference, in purchasing of the United States, all the lands so contracted for, at the price of two dollars an acre, to be paid to the treasurer of the United States, as follows: one third part of the purchase money, on or before the first day of September next; one other third part in one year from the said first day of September; and the remaining third part in two years from the said first day of September; which two last payments shall be secured in the manner pointed out and directed by the act, intituled "An act for providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river." And that upon each payment, the same evidences of purchase and title shall be given to the purchasers, respectively, as to purchasers under the said recited act.

SEC. 2. *And be it further enacted,* That each and every person claiming the benefit of this act, shall, on or before the first day of September next, give notice, in writing, to the Secretary of the Treasury, or to the Surveyor General, that they claim the right of pre-emption, by this act offered, and do assent to the terms of sale established by this act. And if any person shall neglect to give the said notice, or shall fail in making the first payment, as before directed, all right of pre-emption shall cease, and become void; and the lands shall be surveyed and sold agreeably to the directions of the before recited act.

SEC. 3. *And be it further enacted,* That the Surveyor General shall, as soon as may be, after the receipt of the notice aforesaid, lay off and survey the said lands, agreeably to the directions of the said recited act, unless the said lands have been heretofore surveyed and laid off by the said contractors or settlers; in which case, the Surveyor General shall survey the outlines of such tract or tracts, so as to ascertain the contents, and shall cause the same to be recorded and deposited, as in and by the said recited act is directed for the plats and surveys made under that act.

SEC. 4. *And be it further enacted,* That it may be lawful for the Secretary of the Treasury to credit the said purchasers with such reasonable sum or sums of money as have been expended in surveying the said land; provided the same does not exceed the sums allowed by the United States to their own surveyors for the like services.

SEC. 5. *And be it further enacted*, That the evidences of the public debt of the United States shall be receivable in payment for the said lands, agreeably to the directions of an act, intituled "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States."

APPROVED, March 2, 1799.

Evidences of public debt may be received in payment.

Ante, p. 507.

STATUTE III.

CHAP. XXXVI.—*An Act in addition to "An act for the relief of sick and disabled Seamen." (a)*

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States shall be, and he hereby is authorized to direct the expenditure of any monies which have been or shall be collected by virtue of an act, entitled "An act for the relief of sick and disabled seamen," to be made within the state wherein the same shall have been collected, or within the state next adjoining thereto, excepting what may be collected in the states of New Hampshire, Massachusetts, Rhode Island and Connecticut; any thing in the said act contained to the contrary thereof, notwithstanding

Manner of expending monies collected.

1802, ch. 51.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy shall be, and he hereby is authorized and directed to deduct, after the first day of September next, from the pay thereafter to become due, of the officers, seamen and marines of the navy of the United States, at the rate of twenty cents per month, for every such officer, seaman and marine, and to pay the same quarter annually to the Secretary of the Treasury, to be applied to the same purposes, as the money collected by virtue of the above mentioned act is appropriated.

Secretary of the Navy to deduct a certain sum from the pay of the navy.

SEC. 3. *And be it further enacted*, That the officers, seamen and marines of the navy of the United States, shall be entitled to receive the same benefits and advantages, as by the act above mentioned are provided for the relief of the sick and disabled seamen of the merchant vessels of the United States.

Officers, seamen, &c. of the navy entitled to the benefits of the act.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXXVII.—*An Act authorizing an augmentation of the Marine Corps.*

March 2, 1799.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized to cause the marine corps in the service of the United States to be augmented, by the appointment and enlistment of not exceeding two first lieutenants, six second lieutenants, eight sergeants, one hundred and seventy privates and eighteen drums and fifes, who shall be respectively allowed the same pay, bounty, clothing and rations, and shall be employed under the same rules and regulations to which the said marine corps are or shall be entitled and subject.

See act of July 11, 1798, ch. 72.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXXVIII.—*An Act to augment the Salaries of the Officers therein mentioned.*

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in lieu of the salaries heretofore allowed by law to the officers of the government of the United States, herein mentioned, the following annual com-

[Obsolete.]

1802, ch. 25.

(a) An act for the relief of sick and disabled seamen, July 16, 1798, chap. 77.

pensations be, and are hereby granted to the said officers respectively, from the commencement of the present year; that is to say.

The Secretary of State, five thousand dollars.

The Secretary of the Treasury, five thousand dollars.

The Secretary of War, four thousand five hundred dollars.

The Secretary of the Navy, four thousand five hundred dollars.

The Attorney General, three thousand dollars.

The Comptroller of the Treasury, three thousand five hundred dollars.

The Treasurer, three thousand dollars.

The Auditor of the Treasury, three thousand dollars.

The Commissioner of the Revenue, three thousand dollars.

The Register of the Treasury, two thousand four hundred dollars.

The Accountant of the War department, two thousand dollars.

The Accountant of the Navy department, two thousand dollars.

The Postmaster General, three thousand dollars.

And the Assistant Postmaster General, one thousand seven hundred dollars. Which sums shall be respectively paid, quarterly, at the treasury of the United States.

SEC. 2. *And be it further enacted*, That this act shall continue in force for three years, and no longer.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

CHAP. XXXIX.—*An Act to erect a Beacon on Boon Island.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, under the direction of the President of the United States, be authorized, as soon as may be, to cause a beacon or monument to be erected on a ledge of rocks, called Boon Island, on the sea-coast of the district of Maine; and that the sum of four hundred dollars be appropriated for the same, out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

CHAP. XL.—*An Act to regulate and fix the Compensation of Clerks.*

1806, ch. 41.
Compensations of clerks in the departments of state, treasury, war, and the navy, may be varied, so as not to exceed limited sums.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretaries of the Treasury, State, War and Navy departments, shall be, and hereby are authorized and empowered, to vary the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall, in their judgment, require; any thing in any former act to the contrary notwithstanding. *Provided always*, that the whole amount of compensations for clerks, in the said departments, respectively, shall not exceed the following sums; that is to say: For the department of State, five thousand, nine hundred and fifty dollars: For the Treasury department, forty-two thousand, six hundred and twenty dollars, and thirty-four cents, that is to say, in the office of the Secretary of the treasury, five thousand, eight hundred and thirty-nine dollars, and eighty-one cents; in the office of the comptroller of the treasury, nine thousand and sixty-seven dollars, and eight cents; in the office of the auditor of the treasury, eight thousand, eight hundred and ten dollars, and ninety-three cents; in the office of the treasurer of the United States, two thousand, eight hundred and seventeen dollars and forty-five cents; in the office of the commissioner of the revenue, two thousand, eight hundred and forty-three dollars, and six cents; and in the office of the register of the treasury, thirteen thousand, two hundred and forty-two dollars, and one cent: For the department of War,

fifteen thousand, three hundred and forty dollars, that is to say; in the office of the secretary of the said department, six thousand, three hundred and forty dollars; in the office of the accountant of the said department, eight thousand, five hundred dollars; and in the office of the purveyor of public supplies, five hundred dollars: For the department of the Navy, eleven thousand, one hundred dollars; that is to say; in the office of the secretary of the department of the navy, four thousand two hundred dollars; and in the office of the accountant of the navy department, six thousand, nine hundred dollars.

SEC. 2. *And be it further enacted*, That the Postmaster General of the United States shall be, and hereby is authorized and empowered to appoint such number of clerks in his office, as he shall judge proper, and to apportion and vary their compensations in such manner as the services to be rendered by each, shall in his judgment require: *Provided always*, that the whole amount of compensations for clerks in the said office, shall not exceed the sum of four thousand, two hundred and fifty dollars, annually; which sum shall be paid quarterly, out of the revenues of the post-office.

Clerks in the office of Postmaster General.

SEC. 3. *And be it further enacted*, That the director of the mint shall be, and hereby is authorized to allow to one of the clerks employed in his office, the sum of two hundred dollars per annum, in addition to the salary of five hundred dollars, heretofore established for the clerks in the said office.

Additional compensation allowed to one of the clerks in the mint.

SEC. 4. *And be it further enacted*, That there shall be allowed to the secretary and accountant of the Navy department respectively, in the settlement of their accounts, the following sums for deficiencies in the provisions made by law for their clerks during the year one thousand seven hundred and ninety-eight; that is to say; to the said secretary, eight hundred and eighty-seven dollars, and twenty-nine cents; and to the said accountant, one hundred and eighty-eight dollars, and thirty-two cents.

Deficiencies allowed in the navy department.

SEC. 5. *And be it further enacted*, That there shall be allowed to the commissioners of loans in the states of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars per annum each; to the commissioner of loans in the state of Connecticut, not exceeding two clerks, at the rate of four hundred dollars per annum each; to the commissioners of loans in the states of Pennsylvania, Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars per annum each; the aggregate of the compensations for clerks employed by either of the said commissioners, to be apportioned among them at his discretion: And that there be annually allowed in lieu of clerk hire, to the commissioner of loans in the state of New Hampshire, three hundred and fifty dollars; to the commissioner of loans in the state of Rhode Island, four hundred dollars; to the commissioner of loans in the state of New Jersey, three hundred dollars; and to the commissioner of loans in the state of Maryland, two hundred and fifty dollars.

Clerks and clerk hire to the commissioners of loans.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XII.—*An Act to revive and continue in force, certain parts of the "Act for the relief and protection of American seamen," and to amend the same.*

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first, second and third sections of the act, intituled "An act for the relief and protection of American seamen," shall be and hereby are revived and continued in force for one year.

Parts of the act revived.
1796, ch. 36.

SEC. 2. *And be it further enacted*, That the Secretary of State shall be, and hereby is required to lay before Congress, within ten days after

Duty of the Secretary of State.

the commencement of each ordinary session, an annual statement, containing an abstract of all the returns made to him, by the collectors of the different ports, pursuant to the said act, and of the communications received by him, from the agents employed by virtue of the same, in foreign countries.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

[Obsolete.]

Appropriation
for the support
of the naval es-
tablishment.

CHAP. XLII.—*An Act making appropriations for the support of the Naval Establishment, for the year one thousand seven hundred and ninety-nine.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the support of the naval establishment of the United States, during the year one thousand seven hundred and ninety-nine, there shall be, and hereby is appropriated, the sum of two millions, one hundred and two thousand, three hundred and eighty-four dollars, and forty-one cents, (including the sum of eight hundred and twenty-three thousand, eight hundred and eighty-seven dollars, and fourteen cents, being the balance, unexpended at the commencement of that year, of former appropriations for the naval department): that is to say:—

For the pay of the officers of the navy of the United States, the sum of three hundred and five thousand, nine hundred and eighty-two dollars.

For the subsistence of the officers of the navy, the sum of one hundred and eighty-five thousand, five hundred and forty-four dollars, and nineteen cents.

For the pay of the seamen, the sum of six hundred and seventy-two thousand, nine hundred and ninety dollars.

For provisions, the sum of four hundred and thirty-one thousand, seven hundred and twenty-six dollars, and thirty cents.

For contingent expenses (including waste of military stores) the sum of three hundred and forty-five thousand, eight hundred dollars.

For the expense of medicines, hospital stores, &c., the sum of forty-two thousand, seven hundred and fifty dollars.

For the support of the revenue cutters, the sum of one hundred and seventeen thousand, five hundred and ninety-one dollars, and ninety-two cents.

SEC. 2. *And be it further enacted,* That for the support of the marine corps, during the year one thousand seven hundred and ninety-nine, there be, and hereby is appropriated the sum of two hundred and thirty-seven thousand, seven hundred and eighty-eight dollars, and thirty-eight cents; that is to say:

For pay and rations for the said corps, the sum of one hundred and seventy-nine thousand, seven hundred and ninety-eight dollars.

For clothing, the sum of twenty-nine thousand, five hundred and ninety-four dollars, and eighty-seven cents.

For military stores, the sum of twenty-five thousand, nine hundred and fifty-one dollars, and fifty-one cents.

For contingent expenses, the sum of four hundred and twenty dollars.

For bounties and premiums, the sum of two thousand and twenty-four dollars.

SEC. 3. *And be it further enacted,* That for completing the vessels now building, the purchase of arms and military stores for the same, and for contingent expenses relative thereto, the sum of one million, four thousand five hundred and four dollars, and twenty-four cents, shall be, and hereby is appropriated.

SEC. 4. *And be it further enacted,* That the aforesaid appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1799.

For the sup-
port of the ma-
rine corps.

For complet-
ing the vessels
of war.

How the ap-
propriations are
to be paid.

CHAP. XLIII.—*An Act to establish the Post-Office of the United States.*

STATUTE III.

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be established at the seat of government of the United States, a General Post-office, under the direction of a Postmaster General. The Postmaster General shall appoint an assistant, and such clerks as may be necessary for performing the business of his office; he shall establish post-offices, and appoint postmasters, at all such places as shall appear to him expedient, on the post roads that are or may be established by law; he shall give his assistant, the postmasters, and all other persons whom he shall employ, or who may be employed in any of the departments of the general post-office, instructions relative to their duty; he shall provide for the carriage of the mail on all post roads that are or may be established by law, and as often as he, having regard to the productiveness thereof, and other circumstances, shall think proper; he may direct the route or road where there are more than one between places designated by law for a post road, which route shall be considered the post road; he shall obtain from the postmasters their accounts and vouchers for their receipts and expenditures once in three months, or oftener, with the balances thereon arising in favour of the general post-office; he shall pay all expenses which may arise in conducting the post-office, and in the conveyance of the mail, and all other necessary expenses arising on the collection of the revenue, and management of the general post-office; he shall prosecute offences against the post-office establishment; he shall once in three months render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled as other public accounts; he shall also superintend the business of the department in all the duties that are or may be assigned to it. *Provided,* that in case of the death, resignation, or removal from office of the Postmaster General, all his duties shall be performed by his assistant, until a successor shall be appointed and arrive at the general post-office to perform the business.

SEC. 2. *And be it further enacted,* That the Postmaster General, and all other persons employed in the general post-office, or in the care, custody, or conveyance of the mail, shall, previous to entering upon the duties assigned to them, or the execution of their trusts, and before they shall be entitled to receive any emolument therefor, respectively take and subscribe the following oath or affirmation, before some magistrate, and cause a certificate thereof to be filed in the general post-office, "I, A. B. do swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the laws in relation to the establishment of the post-office and post roads within the United States." Every person who shall be in any manner employed in the care, custody, conveyance or management of the mail, shall be subject to all pains, penalties and forfeitures for violating the injunctions, or neglecting the duties required of him by the laws relating to the establishment of the post-office and post roads, whether such person shall have taken the oath or affirmation above prescribed or not.

SEC. 3. *And be it further enacted,* That if any person shall knowingly and wilfully obstruct or retard the passage of the mail, or of any driver or carrier, or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine not exceeding one hundred dollars: And if any ferryman shall, by wilful negligence or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

Repealed May 1, 1810, ch. 37. Act of March 3, 1825, ch. 65.

General post-office to be established.

Powers and duties of the Postmaster General.

Acts of March 3, 1845, ch. 43, 69.

In case of vacancy his duties to devolve on his assistant.

Officers of the post-office to take an oath.

Penalty on obstructing the mail.

Contracts for carrying the mail.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Postmaster General to give public notice, in one or more of the newspapers published at the seat of government of the United States, and in one or more of the newspapers published in the state or states where the contract is to be performed, for at least six weeks before entering into any contract for carrying the mail, that such contract is intended to be made, and the day on which it is to be concluded, describing the places from and to which such mail is to be conveyed, the time at which it is to be made up, and the day and hour at which it is to be delivered: He shall, moreover, within ninety days after the making of any contract, lodge a duplicate thereof, together with the proposals which he shall have received respecting it, in the office of the Comptroller of the Treasury of the United States. *Provided*, that no contract shall be entered into for a longer term than four years.

Duty of Postmasters.

SEC. 5. *And be it further enacted*, That every postmaster shall keep an office, in which one or more persons shall attend at such hours as the Postmaster General shall direct, for the purpose of performing the duties thereof, and all letters brought to any post-office half an hour before the time of making up the mail at such office, shall be forwarded therein; except at such post-offices, where, in the opinion of the Postmaster General, it requires more time for making up the mail, and which he shall accordingly prescribe, but this shall in no case exceed one hour.

No fees to be received by persons employed in the general post-office.

SEC. 6. *And be it further enacted*, That no fees or perquisites shall be received by any person employed in the general post-office on account of the duties to be performed by virtue of his appointment.

Rates of postage.

SEC. 7. *And be it further enacted*, That the following rates of postage shall be charged on all letters and packets (excepting such as herein after exempted) conveyed by the posts of the United States, viz.

For every letter composed of a single sheet of paper, conveyed not exceeding forty miles, eight cents.

Over forty and not exceeding ninety miles, ten cents.

Over ninety, and not exceeding one hundred and fifty miles, twelve and an half cents.

Over one hundred and fifty, and not exceeding three hundred miles, seventeen cents.

Over three hundred, and not exceeding five hundred miles, twenty cents.

Over five hundred miles, twenty-five cents.

And for every double letter, or one composed of two pieces of paper, double those rates; and for every triple letter, or one composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper, or other thing, and weighing one ounce avoirdupois, quadruple those rates, and in that proportion for all greater weight: *Provided*, that no packet of letters conveyed by the water mails shall be charged with more than quadruple postage, unless the same shall actually contain more than four distinct letters. No postmaster shall be obliged to receive, to be conveyed by the mail, any packet which shall weigh more than three pounds.

Packets containing more than three lbs. may not be carried.

SEC. 8. *And be it further enacted*, That every letter or packet brought into the United States, or carried from one port therein to another, in any private ship or vessel, shall be charged with six cents, if delivered at the post-office where the same shall arrive, and if destined to be conveyed by post to any other place, with two cents added to the ordinary rates of postage.

Penalty on fraudulently receiving illegal postage, &c.

SEC. 9. *And be it further enacted*, That if any postmaster, or other person authorized by the Postmaster General to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or gratuity, or reward, other than is provided by this act, for the postage of letters or packets, on conviction thereof, he shall forfeit for every such

offence, one hundred dollars, and shall be rendered incapable of holding any office or appointment under the United States.

SEC. 10. *And be it further enacted*, That no ship or vessel arriving at any port within the United States, where a post-office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the postmaster, all letters directed to any person or persons within the United States, which under his care, or within his power, shall be brought in such ship or vessel, except such as are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery, to which such ship or vessel may be bound. And it shall be the duty of the collector, or other officer of the port empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Masters of vessels to deliver letters into the post-office.

SEC. 11. *And be it further enacted*, That the postmasters to whom such letters may be delivered, shall pay to the master or commander, or other person delivering the same, except the commanders of foreign packets, two cents for each letter or packet, and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be, with his quarterly accounts, transmitted to the Postmaster General, who shall credit him with the amount.

Masters of vessels allowed two cents for each letter.

SEC. 12. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse post, stage wagon, or other stage carriage, on any established post road, or from one post town to another post town on any road adjacent or parallel to an established post road, or any packet boat or other vessel, to ply regularly from one place to another between which a regular communication by water shall be established by the United States, and shall receive any letter or packet, other than newspapers, magazines, or pamphlets, and carry the same by such foot or horse post, stage wagon, or other stage carriage, packet boat, or vessel, excepting only such letter or letters as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person to whom any package or bundle in such conveyance is intended to be delivered, every person so offending shall forfeit, for every such offence, the sum of fifty dollars: *Provided*, that it shall be lawful for any person to send letters or packets by a special messenger.

Penalty on persons, not authorized, carrying letters, &c.

SEC. 13. *And be it further enacted*, That the deputy postmasters, and other agents of the Postmaster General, shall duly account and answer to him, for all way letters which shall come to their hands: and for this purpose, the post riders, and other carriers of the mail, receiving any way letter or letters (and it shall be their duty to receive them, if presented more than two miles from a post-office) shall deliver the same, together with the postage, if paid, at the first post-office to which they shall afterwards arrive, where the postmaster shall duly enter the same, and specify the number, and rate or rates in the post-bill, adding to the rate of each way letter, one cent, which shall be paid by the postmaster to the mail carrier from whom such way letter shall be received. And that letters directed to persons living between post-offices may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail to take charge of, and deliver all such letters as shall, for that purpose, be committed to them, by any postmaster, and collect the postage thereof, which shall be paid over to such postmaster on demand. And for every letter so delivered, the mail-carrier delivering the same shall be allowed to demand and receive two cents to his

Way letters.

own use, besides the ordinary postage. And if any postmaster, or other agent of the Postmaster General, shall neglect so to account, he or they so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding fifty dollars: *Provided*, that no mail-carriers shall make such deliveries at any place not on the post road: *Provided also*, that the receipt and delivery of letters on the way, between post-offices, shall not be required of the mail-carriers in cases where, in the opinion of the Postmaster General, the time or manner of carrying the mail, or the speed of conveyance is incompatible with such receipts and deliveries.

Penalty on detaining, delaying or embezzling letters.

SEC. 14. *And be it further enacted*, That if any person employed in any of the departments of the general post-office, shall unlawfully detain, delay or open any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post, or if any such person shall secrete, embezzle or destroy any letter or packet entrusted to him as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted, shall, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person employed as aforesaid, shall secrete, embezzle, or destroy any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post-bill, bill of exchange, warrant of the treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to payment of monies, or any bond or warrant, draft, bill or promissory note whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, be publicly whipped, not exceeding forty stripes, and be imprisoned not exceeding ten years. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next post-office, every such person so offending, shall forfeit and pay a sum not exceeding five hundred dollars for every such offence. And if any person concerned in carrying the mail of the United States, shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Penalty on carriers deserting the mail; or carrying letters contrary to law.

Penalty on robbing the mail-carriers, or attempting it;—

SEC. 15. *And be it further enacted*, That if any person shall rob any carrier of the mail of the United States, or other person entrusted therewith, of such mail, or of part thereof, such offender or offenders shall, on conviction, be publicly whipped, not exceeding forty lashes, and be imprisoned not exceeding ten years; and if convicted a second time of a like offence, he or they shall suffer death: or if in effecting such robbery of the mail, the first time, the offender shall much wound the person having custody thereof, or put his life in jeopardy, by the use of dangerous weapons, such offender or offenders shall suffer death. And if any person shall attempt to rob the mail of the United States, by falling upon the person having custody thereof, shooting at him or his horses, or threatening him with dangerous weapons, and the robbery is not effected, every such offender, on conviction thereof, shall be punished by whipping, not exceeding thirty lashes, or with imprisonment, not exceeding two years, or with both, according to the discretion of the court before whom such conviction is had. And if any person shall

steal the mail, or shall steal or take from or out of any mail, or from or out of any post-office, any letter or packet, or if any person shall take the mail, or any letter or packet therefrom or from any post-office, whether with or without the consent of the person having custody thereof, and shall open, embezzle, or destroy any such mail, letter or packet, the same containing any article of value, or evidence of any debt, due, demand, right or claim, or if any person shall, by fraud or deception, obtain from any person having custody thereof, any mail, letter or packet, containing any article of value, or evidence thereof, such offender or offenders, on conviction thereof, shall be whipped, not exceeding thirty lashes, or imprisoned, not exceeding two years, or both, at the discretion of the court before whom such conviction is had. And if any person shall take any letter or packet, not containing any article of value or evidence thereof out of a post-office, or shall open any letter or packet which shall have been in a post-office, or in the custody of a mail-carrier, before it shall have been delivered to the person to whom it is directed, with design to obstruct the correspondence, to pry into another's business, or secrets, or shall secrete, embezzle or destroy any such mail letter or packet, such offender, upon conviction, shall pay for every such offence a sum not exceeding one hundred dollars. *Provided also, and be it further enacted*, that every person who shall be imprisoned by a judgment of court under the 14th and 15th sections of this act, shall be kept at hard labour during the period of such imprisonment.

or stealing the mail, &c.

Penalty on taking away or opening letters.

Proviso.

Letters on hand to be advertised.

SEC. 16. *And be it further enacted*, That the postmasters shall, respectively, publish at the expiration of every three months, or oftener, when the Postmaster General shall so direct, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices, or instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and at the expiration of the next three months, shall send such of the said letters as then remain on hand as dead letters, to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence shall be found therein, it shall be the duty of the Postmaster General to return such letter to the writer thereof, or cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within the United States; and such letter, and the contents, shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage and the expense of publication. And if such letter with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within two years after the advertisement thereof as aforesaid, the said contents shall be applied to the use of the United States, until the same shall be reclaimed by the proprietor thereof. The manner of such application to be specially stated by the Postmaster General to the Secretary of the Treasury.

Dead letters.

Free letters and newspapers.

SEC. 17. *And be it further enacted*, That letters and packets to and from the following officers of the United States, shall be received and conveyed by post, free of postage. Each postmaster, provided each of his letters or packets shall not exceed half an ounce in weight; each member of the Senate and House of Representatives of the Congress of the United States; the Secretary of the Senate and Clerk of the House of Representatives, provided each letter or packet shall not exceed two ounces in weight, and during their actual attendance in any session of Congress, and twenty days after such session; the President of the United States; Vice President; the Secretary of the Treasury; Comptroller; Auditor; Register; Treasurer; Commissioner of the Reve-

nue; Supervisors of the Revenue; Inspectors of the Revenue; Commissioners for direct taxes; Purveyor; the Secretary of War; Accountant of the War office; the Secretary of State; the Secretary of the Navy and Accountant of the Navy; the Postmaster General; Assistant Postmaster General: And they may all receive their newspapers by post free of postage: *Provided*, that the members of the Senate and House of Representatives, Secretary of the Senate, and Clerk of the House of Representatives, shall receive their newspapers free of postage only during any session of Congress, and twenty days after the expiration of the same: *And provided*, that no letter or packet from any public officer shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or packet, and until he has previously furnished the postmaster of the office where he shall deposit the same, with a specimen of his signature: *Provided also*, that all letters and packages to and from George Washington, late President of the United States, shall continue to be received and conveyed by post, free of postage.

Manner of
franking letters

Penalty on
franking letters
improperly.

SEC. 18. *And be it further enacted*, That if any person shall frank letters other than those written by himself, or by his order, on the business of his office, he shall, on conviction thereof, pay a fine of ten dollars: *Provided*, that the Secretary of the Treasury, Secretary of State, Secretary of War, Secretary of the Navy, and Postmaster General, may frank letters or packets on official business, prepared in any other public office, in the absence of the principal thereof. And if any person having the right to receive his letters free of postage, shall receive enclosed to him any letter or packet addressed to a person not having that right, it shall be his duty to return the same to the post-office, marking thereon the place from whence it came, that it may be charged with postage. And if any person shall counterfeit the hand-writing or frank of any person, or cause the same to be done, in order to evade the payment of postage, each person so offending shall pay for every such offence fifty dollars.

Penalty on
counterfeiting a
frank.

Newspapers
may go free to
printers.

SEC. 19. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

Manner of
sending news-
papers by the
mail, and rates
of postage.

SEC. 20. *And be it further enacted*, That all newspapers conveyed in the mail shall be under cover, open at one end, and charged with a postage of one cent each for any distance not more than one hundred miles, and one and an half cents for any greater distance: *Provided*, that the postage of a single newspaper from any one place to another in the same state, shall not exceed one cent; and that the Postmaster General may make such regulations as to require those who receive newspapers by post, to pay always the amount of one quarter's postage in advance.

Offences in re-
lation to news-
papers.

If any person employed in any department of the post-office shall improperly detain, delay, embezzle or destroy any newspaper, or shall permit any other person to do the like, or shall open or permit any other to open any mail or packet of newspapers not directed to the office where he is employed, he shall, on conviction thereof, forfeit a sum not exceeding fifty dollars for every such offence. And if any other person shall open any mail or packet of newspapers, or shall embezzle or destroy the same, not being directed to himself, or not being authorized to receive and open the same, he shall, on conviction thereof, pay a sum not exceeding twenty dollars for every such offence. And if any person shall take or steal any packet, bag or mail of newspapers from or out of any post-office, or from any person having custody thereof, such person shall, on conviction, be imprisoned, not exceeding three months for every such offence, to be kept at hard labour, during the period of such imprisonment.

If any person shall enclose or conceal a letter or other thing, or any memorandum in writing in a newspaper, or among any package of newspapers, which he shall have delivered into any post-office, or to any person for that purpose, in order that the same may be carried by post, free of letter postage, he shall forfeit the sum of five dollars for every such offence; and the letter, newspaper, package, memorandum, or other thing, shall not be delivered to the person to whom it is directed, until the amount of single letter postage is paid for each article of which the package shall be composed.

Concealing letters, &c. in newspapers.

No newspapers shall be received by the postmasters to be conveyed by post, unless they are sufficiently dried and enclosed in proper wrappers, on which, besides the direction, shall be noted the number of papers which are enclosed for subscribers, and the number for printers.

Newspapers to be dried, &c.

The Postmaster General, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is to be made, to carry newspapers, magazines and pamphlets other than those conveyed in the mail.

Postmaster General may authorize certain persons to carry newspapers, &c.

When the mode of conveyance, and the size of the mails will admit of it, magazines and pamphlets may be transported in the mail at one cent a sheet for any distance not exceeding fifty miles, at one cent and a half for any distance over fifty and not exceeding one hundred miles, and two cents for any greater distance.

Conveyance of magazines and pamphlets.

SEC. 21. *And be it further enacted*, That the Postmaster General be authorized to allow to the postmasters, respectively, such commission on the monies arising from the postages of letters and packets, as shall be adequate to their respective services and expenses: *Provided*, that the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred, and not more than three hundred; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the postmasters, who may be employed in receiving and dispatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars, in one quarter, and excepting to the postmasters, at offices where the mail is regularly to arrive between the hours of nine o'clock at night, and five o'clock in the morning; whose commission on the first hundred dollars, collected in one quarter, may be increased to a sum not exceeding fifty per cent. The Postmaster General may allow to the postmasters, respectively, a commission of fifty per cent. on the monies arising from the postages of newspapers, magazines and pamphlets; and to the postmasters, whose compensation shall not exceed five hundred dollars, in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the postmaster himself; and each postmaster, who shall be required to keep a register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return which he makes thereof to the General Post-Office.

Commissions and allowance to postmasters.

SEC. 22. *And be it further enacted*, That if any postmaster, or other person authorized to receive the postages of letters and packets, shall neglect or refuse to render his accounts, and pay over to the Postmaster General the balance by him due at the end of every three months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing: and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such three months, the balances due from every such delinquent shall be charged to and recoverable from the Postmaster General.

Postmasters, &c. refusing to account and pay over.

That all suits which shall be hereafter commenced for the recovery of debts or balances due to the general post-office, whether they appear

In what name suits shall be.

by bond or obligations made in the name of the existing or any preceding Postmaster General, or otherwise, shall be instituted in the name of the "Postmaster General of the United States."

Certified copies of accounts evidence.

That certified copies under the seal of the general post-office, of the accounts current of the several postmasters, after the same shall have been examined and adjusted at that office, shall be admitted as evidence in all suits brought by the Postmaster General for the recovery of balances or debts due from postmasters, and in like manner copies of such accounts current as are lodged in the office of the Register of the Treasury, certified by the Register under the seal of his office, shall be admitted as evidence.

Penalty on not accounting.

SEC. 23. *And be it further enacted*, That if any postmaster, or other person, who shall receive and open, or dispatch mails, shall neglect to render accounts thereof for one month after the time, and in the form and manner prescribed by law, and by the Postmaster General's instructions conformable therewith, he shall forfeit double the value of the postages which shall have arisen at the same office in any equal portion of time previous or subsequent thereto; or in case no accounts shall have been rendered at the time of trial of such case, then such sum as the court and jury shall estimate equivalent thereto, to be recovered by the Postmaster General in an action on the case.

Distribution of penalties.

SEC. 24. *And be it further enacted*, That all pecuniary penalties and forfeitures incurred under this act, shall be, one half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States.

Postmaster General may provide for the receipt of letters to be conveyed by sea.

SEC. 25. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port in the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received, there shall be paid, at the time of its reception, a postage of one cent, which shall be for the use of the postmasters respectively receiving the same. And the Postmaster General may make arrangements with the postmasters in any foreign country, for the reciprocal receipt and delivery of letters and packets through the post-offices.

He may make arrangements with foreign postmasters. Exemptions of postmasters, &c.

SEC. 26. *And be it further enacted*, That the postmasters, and the persons employed in the transportation of the mail, shall be exempt from militia duties, and serving on juries, or any fine or penalty for neglect thereof.

Letter carriers.

SEC. 27. *And be it further enacted*, That letter carriers shall be employed at such post-offices as the Postmaster General shall direct, for the delivery of letters in the places respectively where such post-offices are established; and for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made, two cents: *Provided*, that no letter shall be delivered to such letter carrier for distribution, addressed to any person who shall have lodged at the post-office a written request that his letters shall be detained in the office. And for every letter lodged at any post-office, not to be carried by post, but to be delivered at the place where it is to be so lodged, the postmaster shall receive one cent of the person to whom it shall be delivered.

Before whom suits and prosecutions may be commenced.

SEC. 28. *And be it further enacted*, That all causes of action arising under this act may be sued, and all offenders against this act may be prosecuted, before the justices of the peace, magistrates, and other judicial courts of the several states, and of the several territories of the United States, they having competent jurisdiction by the laws of such states or territories, to the trial of claims and demands of as great value, and of prosecutions where the punishments are of as great extent; and

such justices, magistrates, or judiciary, shall take cognizance thereof, and proceed to judgment and execution as in other cases.

SEC. 29. *And be it further enacted*, That in all suits for causes arising under this act, the court shall proceed to trial, and render judgment the first term after such suit shall be commenced: *Provided always*, that whenever service of the process shall not have been made twenty days at least previous to the return day of such term, the defendant shall be entitled to one continuance, if the court on the statement of such defendant shall judge it expedient: *Provided also*, that if the defendant in such suits shall make affidavit that he has a claim against the general post-office, not allowed by the Postmaster General, although submitted to him conformable to the regulations of the post-office, and shall specify such claim in the affidavit, and that he could not be prepared for the trial at such term for want of evidence, the court in such case, being satisfied in those respects, may grant a continuance until the next succeeding term.

Judgment to be rendered the first term. In certain cases a continuance may be had.

SEC. 30. *And be it further enacted*, That it shall be the duty of the Postmaster General to report annually to Congress every post road which shall not, after the second year from its establishment, have produced one third of the expense of carrying the mail on the same.

Report to be made of certain post roads.

SEC. 31. *And be it further enacted*, That from and after the last day of April next, the several clauses and provisions, excepting the first and second sections thereof, of an act, entitled "An act to establish the post-office and post roads within the United States," and the several clauses, provisions and sections of an act (excepting the first and second sections thereof) entitled "An act, in addition to an act, intitled An act, to establish the post-office and post roads within the United States," approved the third of March, one thousand seven hundred and ninety-seven, shall be, and the same are hereby repealed: *Provided*, that nothing herein contained shall be construed to exonerate any person who shall not have performed the duty, or who shall have violated any of the prohibitions contained in the said acts, from suits or prosecutions; but as to all bonds, contracts, debts, demands, rights, penalties, punishments, which have been made, have arisen, or have been incurred, or which shall be made, arise, or be incurred previous to the first day of May next, the said acts shall have the same force and effect as though this act had not been made. *Provided also*, that the Postmaster General, deputy postmasters, contractors for carrying the mail, and others employed under the aforesaid acts, shall continue to hold their several offices, appointments and trusts, until they are otherwise removed; any thing herein contained that might be construed to the contrary notwithstanding; and also the bonds which they, or either of them, have or may give for the faithful execution of their several duties and offices, shall continue to have the same force and effect, to all intents and purposes, after the said first day of May next, as though this act had not been made.

Repeal of parts of former acts.

1794, ch. 23.

1797, ch. 19.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XLIV.—*An Act making appropriations for the support of the Military Establishment, for the year one thousand seven hundred and ninety-nine.*

March 2, 1799.

[Obsolete.]

Specific appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of the military establishment of the United States, for the year one thousand seven hundred and ninety-nine; the pay and subsistence of the officers and men; bounties and premiums; the clothing, hospital, ordnance, quartermaster's, and Indian departments; the defensive protection of the frontiers; the contingent expenses of the war department, and the payment of military pensions, the sum of one million five hun-

Specific ap-
propriations.

dred and forty-seven thousand seven hundred and nineteen dollars, be and hereby is appropriated ; that is to say :

For the pay of the army of the United States, the sum of four hundred and forty-five thousand two hundred and twenty-four dollars.

For the subsistence of the officers of the army, fifty-six thousand three hundred and seventy-six dollars.

For the subsistence of the non-commissioned officers and privates, the sum of three hundred and seventy-one thousand seven hundred and eighty-nine dollars.

For forage, the sum of seventeen thousand one hundred and sixty dollars.

For equipments for one company of cavalry, two thousand one hundred and forty dollars.

For horses for the cavalry, to replace those which may die, or become unfit for service, the sum of four thousand five hundred dollars.

For clothing, the sum of one hundred and twenty-seven thousand four hundred and fifty dollars.

For bounties and premiums, the sum of five thousand dollars.

For the hospital department, the sum of twelve thousand dollars.

For the ordnance department, the sum of eighty-one thousand one hundred and eighty dollars.

For the quartermaster's department, the sum of two hundred thousand dollars.

For the Indian department, the following sums, that is to say :

For promoting civilization among the Indian tribes, and pay of temporary agents, the sum of fifteen thousand dollars.

For the expense attending the running of the line of demarkation between the Indian territory and the United States, including the pay of commissioners, surveyors, and assistants, the sum of four thousand dollars.

For contingent expenses for presents to Indians, on their visits to the seat of government, expenses attending their journies, and during their stay at the seat of government, the sum of ten thousand dollars.

For rations to Indians at the different military posts, and within their respective nations, the sum of twenty-two thousand five hundred dollars.

For the defensive protection of the frontiers of the United States, including the erection and repair of forts and fortifications, the sum of sixty thousand dollars.

For loss of stores, allowances to officers on being ordered to distant commands, and for special purposes, advertising and apprehending deserters, printing, purchasing of maps, and other contingencies, the sum of twenty thousand dollars.

For the annual allowance to the invalids of the United States, for their pensions from the fifth day of March, one thousand seven hundred and ninety-nine, to the fourth day of March, one thousand eight hundred, the sum of ninety-three thousand four hundred dollars.

SEC. 2. *And be it further enacted*, That for the additional army of the United States, the following sums, including the sum of nine hundred thousand dollars, already appropriated on account, be, and are hereby, respectively, appropriated, that is to say :

For the pay and subsistence of the officers, non-commissioned officers and privates, the sum of one million six hundred thousand four hundred and forty-three dollars.

For forage, the sum of forty-five thousand four hundred and seventy-eight dollars.

For bounties and premiums, the sum of one hundred and thirty-five thousand and sixteen dollars.

For clothing, two hundred and forty-one thousand one hundred dollars.

For the expense of horses and equipments for the dragoons, the sum of fifty-eight thousand seven hundred and ninety-three dollars.

For the hospital department, the sum of forty thousand dollars.

For the quartermaster's department, the sum of six hundred thousand dollars.

For contingent expenses, the sum of twenty thousand dollars.

SEC. 3. *And be it further enacted*, That the foregoing appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1799.

How the appropriations are to be paid.

STATUTE III.

CHAP. XLV.—*An Act vesting the power of retaliation, in certain cases, in the President of the United States.*

March 3, 1799.

[Obsolete.]

Act of March 3, 1813, chap. 61.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on information being given to the President of the United States, proving satisfactorily to him that any citizen of the United States, who shall have been or may be found on board any vessel of war of either of the powers at war with the French Republic, and who shall have been impressed or forced by violence or threats to enter on board such vessel, hath suffered death, or hath received other corporal punishment, or shall be imprisoned with unusual severity by order of the Executive Directory of the French Republic, or of any officer or agent acting under their authority in pursuance of any decree of the said Directory, or law of the French Republic; it shall be lawful for the President of the United States, and he is hereby empowered and required to cause the most rigorous retaliation to be executed on any such citizens of the French Republic, as have been or hereafter may be captured in pursuance of any of the laws of the United States.

APPROVED, March 3, 1799.

STATUTE III.

CHAP. XLVI.—*An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.*

March 3, 1799.

[Expired.]

Act of March 30, 1802, chap. 13.

The Indian boundary to be marked.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained and distinctly marked, in all such places, as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of the Cayahoga river on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence, down that branch, to the crossing place above Fort Laurence; thence, westwardly to a fork of that branch of the Great Miami river running into the Ohio, at or near which fork stood Laromie's store, and where commences the portage, between the Miami of the Ohio and Saint Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westwardly course to Fort Recovery, which stands on a branch of the Wabash; thence southwestwardly, in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucky or Cuttawa river; thence down the said river Ohio, to the tract of one hundred and fifty thousand acres near the rapids of the Ohio, which has been assigned to General Clarke, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence southeastwardly on the said ridge,

Indian bound-
ary.

to a point, from whence a southwest line will strike the mouth of Duck river; thence still eastwardly on the said ridge, to a point forty miles above Nashville; thence northeast, to Cumberland river; thence up the said river, to where the Kentucky road crosses the same; thence to the Cumberland mountain, at the point of Campbell's line; thence in a southwestwardly direction along the foot of the Cumberland mountains, to Emory's river; thence down the same to its junction with the river Clinch; thence down the river Clinch to Hawkins's line: thence along the same to a white oak, marked one mile tree; thence south fifty-one degrees west, three hundred and twenty-eight chains to a large ash tree on the bank of the river Tennessee, one mile below southwest point; thence up the northeast margin of the river Tennessee (not including islands) to the Wild Cat Rock below Tellico block-house; thence in a direct line to the Militia spring near the Maryville road, leading from Tellico; thence from the said spring to the Chilhowee mountain, by a line so to be run, as will leave all the farms on Nine-mile creek to the northward and eastward of it, and to be continued along the Chilhowee mountain until it strikes Hawkins's line; thence along the said line to the Great Iron mountain; and from the top of which, a line to be continued in a southeastwardly course to where the most southern branch of Little river crosses the divisional line to Tugaloo river; thence along the South Carolina Indian boundary, to and over the Oconna mountain, in a southwest course to Tugaloo river; thence in a direct line to the top of Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river Saint Mary's: *Provided always*, that if the boundary line between the said Indian tribes and the United States, shall, at any time hereafter, be varied by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act shall be construed to apply to the said line so to be varied, in the same manner, as said provisions apply by force of this act to the boundary line herein before recited.

The provi-
sions of this act
are to apply to
any future vari-
ations of the
boundary.

Penalty on
crossing the
boundary for
certain pur-
poses.

SEC. 2. *And be it further enacted*, That if any citizen of, or other person resident in the United States, or either of the territorial districts of the United States, shall cross over, or go within the said boundary line, to hunt, or in anywise destroy the game; or shall drive, or otherwise convey any stock of horses or cattle to range, on any lands allotted or secured by treaty with the United States, to any Indian tribes, he shall forfeit a sum not exceeding one hundred dollars, or be imprisoned not exceeding six months.

Penalty on
going on the
Indian lands
south of the
Ohio, without a
passport.

SEC. 3. *And be it further enacted*, That if any such citizen, or other person, shall go into any country, which is allotted or secured by treaty, as aforesaid, to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest post on the frontiers, or such other person as the President of the United States may, from time to time, authorize to grant the same, shall forfeit a sum not exceeding fifty dollars, or be imprisoned not exceeding three months.

Penalty on
committing
crimes in the In-
dian territory,
or being found
therein with an
hostile inten-
tion.

SEC. 4. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory, belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which would be punishable if committed within the jurisdiction of any state, against

a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed. And if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value, shall be paid out of the treasury of the United States: *Provided nevertheless*, that no such Indian shall be entitled to any payment out of the treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence.

SEC. 5. *And be it further enacted*, That if any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit all his right, title and claim, if any he hath, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, whereupon he shall make a settlement, or which he shall survey, or attempt to survey, or designate any of the boundaries thereof, by marking trees or otherwise, and shall also forfeit a sum not exceeding one thousand dollars, and suffer imprisonment, not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States to take such measures and to employ such military force, as he may judge necessary, to remove from lands belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen or other person, who has made or shall hereafter make, or attempt to make a settlement thereon. And every right, title, or claim forfeited under this act, shall be taken and deemed to be vested in the United States, upon conviction of the offender, without any other or further proceeding.

Penalty on persons settling on or surveying Indian lands.

Military force may be used to remove such intruders.

Forfeited rights to accrue to the United States.

SEC. 6. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit murder, by killing any Indian or Indians belonging to any nation or tribe of Indians in amity with the United States, such offender, on being thereof convicted, shall suffer death.

Penalty on killing an Indian within their territory.

SEC. 7. *And be it further enacted*, That no such citizen, or other person, shall be permitted to reside at any of the towns, or hunting camps, of any of the Indian tribes as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose: which superintendent, or person authorized, shall, on application, issue such license, for a term not exceeding two years, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, conditioned for the true and faithful observance of such regulations and restrictions, as are, or shall be made for the government of trade and intercourse with the Indian tribes. And the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations, or restrictions, provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained.

Traders residing at Indian towns, &c. to have licenses.

SEC. 8. *And be it further enacted*, That any such citizen or other person, who shall attempt to reside in any town, or hunting camp, of

Penalty on trading without a license.

Penalty on
purchasing cer-
tain articles
from Indians.

Regulations
concerning the
purchase of
horses in the In-
dian territory.

Penalty on
persons author-
ized to grant li-
censes, being
concerned in the
Indian trade.

Indians may
dispose of their
lands by treaty
only.

Agents of a
state may ex-
tinguish Indian
claims, with the
approbation of
the commis-
sioners of the United
States.

The President
may cause the

any of the Indian tribes, as a trader, without such license, shall forfeit all the merchandise offered for sale, to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days.

SEC. 9. *And be it further enacted*, That if any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.

SEC. 10. *And be it further enacted*, That no such citizen, or other person, shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person, as the President shall appoint, is hereby authorized to grant on the same terms, conditions and restrictions, as other licenses are to be granted under this act: and any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses, by their colour, height, and other natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased, and brought into any settlement of citizens of the United States, forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding thirty days. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons, not licensed, as above, to purchase the same, shall forfeit the value of such horse.

SEC. 11. *And be it further enacted*, That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse, to or from any Indian, excepting for, and on account of the United States. And any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

SEC. 12. *And be it further enacted*, That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty or convention, entered into, pursuant to the constitution: and it shall be a misdemeanor in any person, not employed under the authority of the United States, to negotiate such treaty or convention, directly or indirectly, to treat with any such Indian nation, or tribe of Indians, for the title or purchase of any lands by them held, or claimed, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months: *Provided, nevertheless*, that it shall be lawful for the agent or agents of any state, who may be present at any treaty held with Indians under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made, for their claims to lands within such state, which shall be extinguished by the treaty.

SEC. 13. *And be it further enacted*, That in order to promote civilization among the friendly Indian tribes, and to secure the continuance

of their friendship, it shall be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided*, that the whole amount of such presents, and allowance to such agents, shall not exceed fifteen thousand dollars per annum.

Indians to be furnished with useful animals, &c. and appoint agents to reside among them.

SEC. 14. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line, into any state or territory inhabited by citizens of the United States, and there take, steal or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury: and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured, an eventual indemnification: *Provided always*, that if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States, for such indemnification: *And provided also*, that nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state or district, of any Indian having so offended: *And provided further*, that it shall be lawful for the President of the United States, to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong.

Course of proceeding to obtain satisfaction for wrongs done by the Indians.

SEC. 15. *And be it further enacted*, That the superior courts in each of the said territorial districts, and the circuit courts, and other courts of the United States of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be apprehended, or, agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with full power and authority to hear and determine all crimes, offences and misdemeanors, against this act; such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts. And in all cases, where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States in their respective districts, shall have, and are hereby invested with like power to hear and determine the same, any law to the contrary notwithstanding. And in all cases, where the punishment shall be death, it shall be lawful for the governor of either of the territorial districts, where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer to the

Jurisdiction of the courts in relation to offences under this act.

Commissions of oyer and terminer may be issued in capital cases.

Jurisdiction of the district courts of Maine and Kentucky.

The military force may apprehend persons found beyond the Indian boundary, in violation of this act;—and proceedings thereupon.

Offenders against this act, found within any state or territorial district, may be there apprehended and brought to trial.

The military force shall aid in arresting them.

Courts to fix the amount of fines and duration of imprisonment, &c.

Distribution of penalties.

superior judges of such district, who shall have full power and authority to hear and determine all such capital cases, in the same manner as the superior courts of such district have in their ordinary sessions. And when the offender shall be apprehended, or brought for trial, into any of the United States, except Kentucky, it shall be lawful for the President of the United States to issue a like commission to any one or more judges of the supreme court of the United States, and the judge of the district in which such offender may have been apprehended or shall have been brought for trial; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner, as such circuit court might or could do. And the district courts of Kentucky and Maine shall have jurisdiction of all crimes, offences and misdemeanors committed against this act, and shall proceed to trial and judgment, in the same manner, as the circuit courts of the United States.

SEC. 16. *And be it further enacted*, That it shall be lawful for the military force of the United States, to apprehend every person who shall or may be found in the Indian country over and beyond the said boundary line between the United States and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey, in the nearest convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining states or districts, to be proceeded against in due course of law: *Provided*, that no person, apprehended by military force, as aforesaid, shall be detained longer than five days after the arrest, and before removal. And all officers and soldiers, who may have any such person or persons in custody, shall treat them with all the humanity which the circumstances will possibly permit; and every officer and soldier who shall be guilty of maltreating any such person, while in custody, shall suffer such punishment as a court-martial shall direct. *Provided*, that the officer having custody of such person or persons shall, if required by such person or persons, conduct him or them to the nearest judge of the supreme or superior court of any state, who, if the offence is bailable, shall take proper bail if offered, returnable to the district court next to be holden in said district, which bail the said judge is hereby authorized to take, and which shall be liable to be estreated as any other recognizance for bail in any court of the United States; and if said judge shall refuse to act, or the person or persons fail to procure satisfactory bail, then the said person or persons are to be proceeded with according to the directions of this act.

SEC. 17. *And be it further enacted*, That if any person, who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territorial districts of the United States, such offender may be there apprehended and brought to trial, in the same manner, as if such crime or offence had been committed within such state or district; and it shall be the duty of the military force of the United States, when called upon by the civil magistrate, or any proper officer, or other person duly authorized for that purpose, and having a lawful warrant, to aid and assist such magistrate, officer, or other person authorized, as aforesaid, in arresting such offender, and him committing to safe custody, for trial according to law.

SEC. 18. *And be it further enacted*, That the amount of fines, and duration of imprisonment, directed by this act as a punishment for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court, before whom the trial shall be had; and that all fines and forfeitures, which shall accrue under this act, shall be one half to the use of the informant,

and the other half to the use of the United States: except where the prosecution shall be first instituted on behalf of the United States; in which case, the whole shall be to their use.

SEC. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district, to Mero district, and of the navigation of the Tennessee river, as reserved and secured by treaty; nor shall this act be construed to prevent any person or persons travelling from Knoxville to Price's settlement (so called) provided they shall travel in the trace or path which is usually travelled, and provided the Indians make no objection; but if the Indians object, the President of the United States is hereby authorized to issue a proclamation, prohibiting all travelling on said trace, after which, the penalties of this act shall be incurred by every person travelling or being found on said trace, within the Indian boundary without a passport.

Intercourse with the Indians surrounded by certain settlements of citizens of the U. States and also certain roads, &c. to be free.

SEC. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be clearly ascertained, and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the United States and any Indian tribe, which now are, or hereafter may be established by treaty.

And other Indian boundary may be ascertained, &c.

SEC. 21. *And be it further enacted*, That this act shall be in force from and after the third day of March, one thousand seven hundred and ninety-nine, and shall continue in force the term of three years; and so far as respects the proceedings under this act, it is to be understood, that the act, intituled "An act to amend an act, intituled An act giving effect to the laws of the United States within the district of Tennessee," is not to operate. And all disabilities which have taken place shall continue and remain; and all penalties and forfeitures, that have been incurred, may be recovered, and all prosecutions and suits which may have been commenced, may be prosecuted to final judgment, under the act, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers; which act expires, by its own limitation, on the third day of March, one thousand seven hundred and ninety-nine, in the same manner, as if the said act was continued in force.

Limitation of this act.

Part of a certain act not to operate. Partial continuance of the former act.

1799, ch. 8.

APPROVED, March 3, 1799.

STATUTE III.

CHAP. XLVII.—*An Act authorizing the President of the United States to fill certain vacancies in the Army and Navy.*

March 3, 1799.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized to make appointments to fill any vacancies in the army and navy which may have happened during the present session of the Senate.

APPROVED, March 3, 1799.

STATUTE III.

CHAP. XLVIII.—*An Act for the better organizing of the Troops of the United States; and for other purposes.*

March 3, 1799.

Repealed
March 16, 1802.
1796, ch. 39.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the troops heretofore authorized, and which hereafter may be authorized to be raised, shall be composed and organized as follows, to wit: A regiment

How a regi-

ment of infantry shall be composed.

A regiment of cavalry.

A regiment of artillery.

Certain regiments not to be completed, but in case of war.

Ensigns and cornets to be second lieutenants.

Compensation and allowance to the troops in actual service.

of infantry shall consist of one lieutenant-colonel commandant, two majors, first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster sergeants, two chief musicians, first and second, twenty other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, which, together, shall form two battalions, each battalion of five companies. A regiment of cavalry shall consist of one lieutenant-colonel commandant, two majors, a first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant; one surgeon and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster sergeants, two chief musicians, first and second, ten other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, including ten saddlers, ten blacksmiths, and ten boot-makers; which, together, shall form five squadrons, each squadron of two companies. A regiment of artillery shall consist of one lieutenant-colonel commandant, four majors, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two surgeon's mates, sixteen captains, thirty-two lieutenants, besides the three lieutenants before mentioned, thirty-two cadets, four sergeant-majors, four quartermaster sergeants, sixty-four sergeants, sixty-four corporals, one chief musician, ten other musicians, eight hundred and ninety-six privates, including one hundred and twenty-eight artificers, which, together, shall form four battalions, each battalion of four companies: *Provided always*, that the number of privates raised and to be raised for the regiment of cavalry and the regiments of infantry heretofore authorized, shall not exceed the number respectively for which provision hath been heretofore made by law; nor shall the battalion of riflemen, nor the two additional troops of cavalry authorized by this act, be raised, until further provision shall be so made, unless war shall break out between the United States and some European prince, potentate, or state, in which case it shall be lawful for the President of the United States, at his discretion, to cause the said regiments, or any of them, to be severally completed to their full establishment.

SEC. 2. *And be it further enacted*, That every ensign and every cornet in the regiments heretofore appointed shall be denominated hereafter second lieutenants.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers and privates herein after mentioned, who now are or at any time hereafter may be in the actual service of the United States, shall be entitled to, and shall receive the following compensations, to wit: a major-general one hundred and sixty-six dollars per month and fifteen rations of provisions per day, or an equivalent in money, and when forage shall not be furnished by the United States, the further sum of twenty dollars per month. A brigadier-general, one hundred and four dollars per month, twelve rations per day, or an equivalent in money, and sixteen dollars per month for forage when not furnished as aforesaid. A lieutenant-colonel commandant, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars for forage, when not furnished as aforesaid. A major of artillery or cavalry, each fifty-five dollars per month, four rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A major of infantry, fifty dollars per month, four rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A captain of cavalry, forty dollars per month, three rations per day, or an equivalent in money, and eight dollars per month for forage, when not furnished as aforesaid. A captain of

artillery and infantry, forty dollars per month, and three rations per day, or an equivalent in money. A first lieutenant of cavalry, thirty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage when not furnished as aforesaid. Lieutenants of artillery, each thirty dollars per month, and two rations per day, or an equivalent in money. A second lieutenant of cavalry twenty-five dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage when not furnished as aforesaid. A first lieutenant of infantry, thirty dollars per month and two rations per day, or an equivalent in money. A second lieutenant of infantry, twenty-five dollars per month and two rations per day, or an equivalent in money. A regimental surgeon, forty-five dollars per month, three rations per day, or an equivalent in money, and ten dollars per month for forage when not furnished as aforesaid. A surgeon's mate, thirty dollars per month, two rations per day or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. A regimental paymaster, quartermaster and adjutant, in addition to their pay in the line, each ten dollars, and six dollars per month for forage, when not furnished as aforesaid. A cadet of cavalry, ten dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. All other cadets, ten dollars per month and two rations per day, or an equivalent in money. A sergeant-major and a quartermaster-sergeant, each ten dollars per month. A chief musician, eight dollars per month. A sergeant, eight dollars per month. A corporal, seven dollars per month. A musician, six dollars per month. An artificer to the infantry and artillery, a farrier, saddler and boot-maker to the dragoons, each ten dollars per month. A private soldier, five dollars per month, and to each of the said non-commissioned officers and privates one ration of provisions per day.

SEC. 4. *And be it further enacted*, That all non-commissioned officers, artificers, privates and musicians, who are and who shall be enlisted, and the non-commissioned officers, artificers, privates and musicians of the militia or other corps, who at any time may be in the actual service of the United States, shall be, and they are hereby exempted during their term of service, from all personal arrests, for any debt or contract. And whenever any non-commissioned officer, artificer, private or musician shall be arrested, whether by mesne process or in execution, contrary to the intent hereof, it shall be the duty of the judge of the district court of the United States and of any court or judge of a state, who, by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application by an officer, to grant a writ of habeas corpus returnable before himself: and upon due hearing and examination in a summary manner, to discharge the non-commissioned officer, artificer, private or musician from such arrest, taking common bail, if required, in any case upon mesne process, and commit him to the applicant, or some other officer of the same corps.

SEC. 5. *And be it further enacted*, That each non-commissioned officer, private, artificer and musician, who shall hereafter be enlisted for the army of the United States shall be able-bodied, and of a size and age suitable for the public service, according to the directions which the President of the United States shall and may establish; and shall be entitled to a bounty of twelve dollars: but the payment of four dollars thereof shall be deferred until he shall have joined the army: and each commissioned officer, who shall be employed in the recruiting service, shall be entitled to receive, for each such non-commissioned officer and private and artificer, and for each sufficient musician duly enlisted and mustered, the sum of two dollars, the same being in full compensation for his extra expenses in the execution of this service.

Soldiers exempted from arrests for debtor contract.

Qualifications of soldiers as to age, size, &c.

Bounty.

Emoluments of recruiting officers.

When officers are detached for certain purposes from their regiments, their places shall be supplied.

SEC. 6. *And be it further enacted*, That when any officer shall be detached from a regiment to serve as an aid to a general officer, or as assistant or other inspector, or as an assistant to the quartermaster-general, by whatsoever name, or as an assistant to the adjutant-general, by whatsoever name, the place of such officer in his regiment shall be supplied by promotion or new appointment, or both, as may be requisite; but the officer detached shall nevertheless retain his station in his regiment, and shall rank and rise therein, in the same manner as if he had not been detached.

From what ranks inspectors, aids, &c. are to be taken.

SEC. 7. *And be it further enacted*, That no officer shall be appointed as the inspector of a division, who when appointed shall be of a rank higher than that of major, or as the inspector of a brigade, who when appointed shall be of a rank higher than that of captain, or as the aid of a major-general, who when appointed shall be of a rank higher than that of captain, or as the aid of a brigadier-general, who when appointed shall be of a rank higher than that of first lieutenant, or as the quartermaster of a division, who when appointed shall be of a rank higher than that of captain, or as the quartermaster of a brigade, who when appointed shall be of a rank higher than that of first lieutenant, or as an assistant to the adjutant-general, who when appointed shall be of a rank higher than that of captain.

Formation of brigades and divisions.

SEC. 8. *And be it further enacted*, That in the ordinary arrangement of the army, two regiments of infantry or cavalry shall constitute a brigade, and shall be commanded by a brigadier-general; two brigades, a division, and shall be commanded by a major-general. *Provided always*, that it shall be in the discretion of the commanding general, to vary this disposition, whenever he shall judge it proper; and provided also, that this act shall not render it necessary to appoint any greater number of general officers than have been heretofore authorized by law, sooner than, in the opinion of the President, the military service of the United States shall require it.

A commander of the army to be appointed, and his style.

SEC. 9. *And be it further enacted*, That a commander of the army of the United States shall be appointed and commissioned by the style of "General of the Armies of the United States," and the present office and title of Lieutenant-General shall thereafter be abolished.

Quartermaster General.

SEC. 10. *And be it further enacted*, That there shall be a Quartermaster-General of the army of the United States, who shall be entitled to the rank, pay, emoluments and privileges of a major-general.

A battalion of riflemen may be raised.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, to organize, officer, and raise a battalion of riflemen, to consist of the same number of officers and men, and to be entitled to the same pay and emoluments whatsoever as a battalion of infantry of the line.

Deputy, division and brigade quartermasters.

SEC. 12. *And be it further enacted*, That to any army of the United States, other than that in which the quartermaster-general shall serve, there shall be a deputy quartermaster-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to fifty dollars per month, which shall be in full compensation for his extra services and travelling expenses, but the provisions of this act are not to affect the present quartermaster-general of the army of the United States, who in case a quartermaster-general shall be appointed by virtue of this act, is to act as deputy quartermaster-general, and shall hereafter have the rank of lieutenant-colonel; and that to every division of an army, there shall be a division quartermaster, who, in addition to his other emoluments, shall be entitled to thirty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every brigade there shall be a brigade quartermaster, who, in addition to his other emoluments, shall be entitled to twenty-four dollars

per month, which shall be in full compensation for his extra services and travelling expenses; each of which officers shall be chosen by the quartermaster general, from among the regimental officers.

SEC. 13. *And be it further enacted*, That to any army of the United States, other than that in which the inspector-general shall serve, there shall be a deputy inspector-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to fifty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every division of an army there shall be a division inspector, who, in addition to his other emoluments, shall be entitled to thirty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every brigade there shall be a brigade inspector, who, in addition to his other emoluments, shall be entitled to twenty-four dollars per month, which shall be in full compensation for his extra services and travelling expenses: each of which officers shall be chosen by the inspector-general from among the regimental officers. The deputy inspector-general to be in every case approved by the general commanding the army to which he shall be annexed.

Deputy division and brigade inspectors.

SEC. 14. *And be it further enacted*, That the adjutant-general of the army shall be *ex-officio* assistant inspector-general, and that every deputy inspector-general shall be *ex-officio* deputy adjutant-general, and shall perform the duties of adjutant-general in the army to which he shall be annexed.

The adjutant general to be assistant inspector general, &c.

SEC. 15. *And be it further enacted*, That the paymaster-general of the armies of the United States, shall always quarter at or near the headquarters of the main army, or at such place as the commander in chief shall deem proper; and that to the army on the western frontiers and to detachments from the main army intended to act separately for a time, he shall appoint deputy paymasters, who shall account to him for the money advanced to them, and shall each give a bond in the sum of fifteen thousand dollars, with sufficient sureties for the faithful discharge of their duties respectively, and take an oath faithfully to execute the duties of their offices, and the several regimental paymasters shall also give bond in the sum of five thousand dollars with one or more sufficient sureties, and take an oath as aforesaid for the faithful discharge of the duties of their offices respectively; and that the paymaster general shall receive eighty dollars per month, with the rations and forage of a major in full compensation for his services and travelling expenses; and the deputy, in addition to his pay and other emoluments, thirty dollars per month in full compensation for his extra services and travelling expenses.

Duty of the paymaster general.

Deputy and regimental paymasters to give security.

Compensation of the paymaster general and the deputy.

SEC. 16. *And be it further enacted*, That every major-general of the army of the United States shall be entitled to two aids to be chosen by himself, each of whom, in addition to his pay and other emoluments in his regiment, shall receive twenty-four dollars per month, and ten dollars per month for forage, when not furnished as aforesaid; and that every brigadier-general of the said army shall be entitled to one aid to be chosen by himself, who, in addition to his pay and other emoluments in his regiment, shall receive twenty-four dollars per month, and ten dollars per month for forage, when not furnished as aforesaid.

Aids of major and brigadier generals.

SEC. 17. *And be it further enacted*, That the President of the United States be authorized to engage and appoint, distinct from the officers of the corps of artillerists and engineers, two engineers with the rank of lieutenant-colonel, and to stipulate and allow to them respectively, such compensations as he shall find necessary and expedient.

Two engineers, distinct from the corps, to be appointed.

SEC. 18. *And be it further enacted*, That an inspector of fortifications shall be appointed, whose duties shall be assigned him by the Secretary of War under the direction of the President of the United States, that the compensation to be allowed to the said inspector, if

An inspector of fortifications to be appointed.

selected from the corps of artillerists and engineers, in full for his extra services and travelling expenses, shall, besides his pay and emoluments in the corps, be thirty-five dollars per month, and if he shall not be an officer in the artillery or army, he shall, in full compensation for his services and expenses, be allowed the sum of seventy-five dollars monthly, and be entitled to the rank of major in the army of the United States, and in case the said inspector shall be chosen from the corps of artillerists and engineers or army of the United States, his place therein shall be supplied by promotion or a new appointment or both, as may be requisite; but he shall nevertheless retain his station in the said corps or army, and shall rank and rise therein, in the same manner as if he had never been appointed to the said office of inspector.

Component parts of a ration of provisions.

SEC. 19. *And be it further enacted*, That a ration of provisions shall henceforth consist of eighteen ounces of bread or flour, or when neither can be obtained, of one quart of rice or one and an half pound of sifted or bolted Indian meal, one pound and a quarter of fresh beef, or one pound of salted beef, or three quarters of a pound of salted pork, and when fresh meat is issued, salt at the rate of two quarts for every hundred rations, soap at the rate of four pounds, and candles at the rate of a pound and a half for every hundred rations. *Provided always*, that there shall be no diminution of the ration to which any of the troops now in service may be entitled by the terms of their enlistment.

Annual allowance of uniform clothing.

SEC. 20. *And be it further enacted*, That every non-commissioned officer, private, artificer, and musician of the artillery and infantry, shall receive annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

Clothing for the dragoons.

SEC. 21. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed as near as may be to the value of the clothing allowed to the infantry and artillery.

Spirits and vinegar may be issued to the troops.

SEC. 22. *And be it further enacted*, That it shall be lawful for the commander in chief of the army, or the commanding officer of any separate detachment or garrison thereof, at his discretion, to cause to be issued, from time to time to the troops under his command out of such supplies as shall have been provided for the purpose, rum, whiskey, or other ardent spirits in quantities not exceeding half a gill to each man per day, excepting in cases of fatigue service, or other extraordinary occasions, and that whensoever supplies thereof shall be on hand, there shall be issued to the troops vinegar at the rate of two quarts for every hundred rations.

Provision for altering soldiers clothing.

SEC. 23. *And be it further enacted*, That it shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests and overalls or breeches, which may from time to time be issued to and for his regiment, to be altered and new made, so as the better to fit them to the persons respectively for whose use they shall be delivered; and for defraying the expense of such alteration, to cause to be deducted and applied out of the pay of such persons a sum or sums not exceeding twenty-five cents for each coat, eight cents for each vest, and for each pair of overalls or breeches.

Clothing, camp utensils, &c. to be provided by the Secretary of War.

SEC. 24. *And be it further enacted*, That it shall be lawful for the Secretary of War, to cause to be provided, in each and every year, all clothing, camp utensils and equipage, medicines and hospital stores, necessary for the troops and armies of the United States for the succeeding year, and for this purpose to make purchases, and enter, or cause to be entered into, all necessary contracts or obligations for effecting the same.

SEC. 25. *And be it further enacted*, That whenever any officer or

soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time, as shall be sufficient to travel from the place where he receives his discharge to the place of his residence, computing at the rate of twenty miles to a day.

Allowance for officers and soldiers to return home.

SEC. 26. *And be it further enacted*, That there shall be allowed to the inspector-general, in addition to his allowance as major-general, and in full compensation for extra services and expenses in the execution of his office, the sum of fifty dollars per month, and that he shall be allowed a secretary to be appointed by himself, with the pay and emoluments of a captain.

Extra allowance to the inspector general.

APPROVED, March 3, 1799.

RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Senate, and the Clerk of the House of Representatives be authorized and directed to subscribe, on such terms as they may deem eligible, for the use of the Senate and House of Representatives, for four hundred copies of the Journals of Congress, which are proposed to be published by Richard Folwell; and such number of copies of deficient volumes of the sets now in print, as may be necessary to complete the same.

March 2, 1799.

A subscription to Folwell's edition of the Journals of Congress authorized.

APPROVED, March 2, 1799.